

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday May 29, 2014 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

R. Funnell, Chair
J. Hillen
C. Downer
L. McNair
K. Ash

Regrets: B. Birdsell
D. Kelly

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

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Meeting Minutes

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

“THAT the Minutes from the May 15, 2014 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

Other Business

The Acting Secretary-Treasurer advised that the appeal hearing for 12 Wyndham Street North, application A-75/13 has been scheduled for Monday, August 25, 2014 at 10:30 a.m. The hearing will be held in Meeting Room 112 at City Hall.

The Secretary-Treasurer asked, in light of the resignation of the Committee’s Chair, D. Kelly, if the Committee members wished to elect a Chair for the remainder of the year at this meeting.

Election of Chair for the remainder of 2014

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The Chair was handed over to the Acting Secretary-Treasurer during elections.

The Acting Secretary-Treasurer asked if there were any nominations from the floor for Chair of the Committee of Adjustment for the remainder of 2014.

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

“THAT R. Funnell be nominated as Chair for the Committee of Adjustment for the remainder of year 2014.”

Carried

Committee member Ray Funnell accepted the nomination.

The vote resulted in R. Funnell being appointed Chair of the City of Guelph Committee of Adjustment for the remainder of 2014.

It was agreed by the Committee members that J. Hillen continues as the Vice-Chair for the Committee of Adjustment.

Application: **B-12/14**
Owner: **FCHT Holdings (Ontario) Corporation**
Agent: **Fasken Martineau DuMoulin LLP, Joseph Guzzi**
Location: **9 Clair Road West**
In Attendance: **Joe Guzzi**

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

Mr. Guzzi replied that the sign was posted and the staff comments were received. He concurred with the staff recommendations and 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 L. McNair and seconded by J. Hillen,

“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 long term lease for Block 161, Registered Plan 61M-39, municipally known as 9 Clair Road West, a parcel occupied by TD Bank and associated drive-thru ATM, comprising an area of 577 square metres, be approved,

subject to the following conditions:

1. 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.
2. 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.
3. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant’s solicitor, prior to the endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office of Ontario within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.”

Carried

Application: B-14/14

Owner: Linamar Corporation

Agent: Black, Shoemaker, Robinson and Donaldson, Brian Beatty

Location: 507 Elmira Road North

In Attendance: Brian Beatty
Linda Chiasson

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

Mr. Beatty replied the sign was posted and the staff comments were received. He explained that they are in agreement with all the conditions and 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 K. Ash 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 Part Block D, Registered Plan 618, municipally known as 507 Elmira Road North, a parcel (Part 2 as illustrated on a sketch prepared by Black, Shoemaker, Robinson, Donaldson Limited, project number 13-9630, dated December 9, 2013) with an area of 0.159 hectares, as a lot addition to 499 Elmira Road North, along with a right-of-way over Part 3 in favour of Parts 1 and 2 (499 Elmira Road North), be approved,

subject to the following conditions:

1. That the proposed severed parcel of land be conveyed to the abutting owner as a lot addition only (Form 3 Certificate).
2. That the following covenant is incorporated in the deed: "The conveyance of (Severed Lands - legal description - Lot and Plan), City of Guelph, County of Wellington, designated as (Part and 61R-Plan Number) as a lot addition only to (Legal Description of Lands to be joined with - Lot and Plan), and shall not be conveyed as a separate parcel from (Legal Description of Lands to be joined with - Lot and Plan)."
3. That the owner deeds to the City free of all encumbrances a 5.00-metre (16.40 feet) wide parcel of land for a road widening across the entire frontage of 499 Elmira Road North as shown in red on the owners site plan, prior to endorstation of the deeds.
4. That prior to endorstation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the required road widening.
5. That prior to endorstation of the deeds, the servient tenement (Proposed Part 3, 507 Elmira Road North, Block 'D' Registered Plan 618), grants an access easement/ right-of-way in perpetuity with a width of approximately 15.24-metres (50.0 feet) to approximately 15.19-metres (49.84 feet) by a length of approximately 95.77-metres (314.21 feet), registered on title, in favour of the dominant tenement (Proposed Parts 1 and 2, 499 Elmira Road North, Lot 1 Registered Plan 483) for mutual vehicular access and circulation between the two properties.

6. That prior to endorstation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the access easement/ right-of-way.
7. That prior to endorstation of the deeds, the owner's solicitor certifies that the access easement/ right-of-way, in favour of the dominant tenement (Proposed Parts 1 and 2, 499 Elmira Road North, Lot 1 Registered Plan 483), has been granted and registered on title.
8. The applicant make arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the relocation of the underground service to 507 Elmira Road North. The cost is 100% chargeable to the applicant.
9. That prior to endorstation of deeds, a 5 foot high chain link fence shall be erected and maintained on the 507 Elmira Road North south property line bordering on the Guelph Junction Railway right-of-way.
10. 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.
11. 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.
12. 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.
13. 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-37/14**

Owner: **Ken Scapinello and Mary Mitchell**

Agent: n/a
Location: 30 Woodborough Road
In Attendance: Ken Scapinello
Mary Mitchell

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

Mr. K. Scapinello replied the sign was posted and the staff comments were received. He noted that they accept the comments as written.

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 L. McNair and seconded by J. Hillen,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 8 of Zoning By-law (1995)-14864, as amended, for 30 Woodborough Road, to permit a 3.05 metre by 6.10 metre (10 foot by 20 foot) one storey sunroom rear addition to be located 6.5 metres (21.3 feet) from the rear lot line when the By-law requires that a minimum rear yard of 7.5 metres (24.6 feet) is provided, be approved.”

Carried

Application: A-49/13
Owner: Athanassios and Beatrijs Stenger
Agent: Ted Mooney General Contracting Ltd., Ted Mooney
Location: 23 Durham Street
In Attendance: Ted Mooney

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

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

Committee member C. Downer questioned if Heritage Planning should have recommended a condition for reviewing any future drawings the applicant submits.

Committee member J. Hillen noted that at building permit stage, Heritage Planning will review the drawings and can comment on them at that time. He also noted that comments from Heritage Planning are provided as a recommendation but not as a requirement.

Committee member L. McNair noted that in the next application the Committee is considering, there is a clear condition from Heritage Guelph and that in this application Heritage Guelph did not have any conditions proposed.

Planner R. Mallory replied that the dwelling is on the heritage inventory list which means that any building permit application applied for will be reviewed by Heritage staff.

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 J. Hillen,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 5.1.2.7 i) of Zoning By-law (1995)-14864, as amended, for 23 Durham Street, to enclose the existing 3.7 metre by 2.1 metre (12 foot by 7 foot) front porch which will be located 1.28 metres (4.19 feet) from the front yard lot line when the By-law requires a minimum front yard to be the average of the setbacks of the adjacent properties, being 3 metres (9.84 feet), be approved.”

Carried

Application: A-48/14

Owner: Paul, Gerard and John Haley

Agent: Donna Haley

Location: **62 Nottingham Street**

In Attendance: **Donna Haley**

The Acting Secretary-Treasurer advised that an email in opposition of the application was received from the owner of 69 Nottingham Street and that the email expressed concerns regarding roof line issues between 60 and 62 Nottingham Street and a possible conversion to a multi-residential home.

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

Ms. Haley replied the sign was posted and the staff comments were received. She explained that she is requesting deferral at this time. She advised that Planning staff had a concern that the two abutting properties have merged in title. She noted that this was not the intent and their lawyers are correcting the error. She also noted that she has met with the Heritage Planner and is currently waiting for comments from Heritage Guelph. She advised that the dwelling is located on the front yard property line and therefore the variance request is for 0 metre setback.

Moved by C. Downer and seconded by L. McNair,

“THAT Application A-48/14 for Gerard, Paul and John Haley at 62 Nottingham Street, be deferred sinedie, to consult with Planning and Legal Services staff regarding the ownership status of 60 and 62 Nottingham Street and in accordance with the Committee’s policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

Application: **A-47/14**

Owner: **Vince and Lisa Keenan**

Agent: **n/a**

Location: **39 McGarr Court**

In Attendance: **Lisa Keenan**
 Ron Ferraro

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

Ms. L. Keenan replied that that the sign was posted and the staff comments were received.

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 K. Ash and 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, a variance from the requirements of Sections 5.1.3.2.26.1.1 and 4.5.1.2 of Zoning By-law (1995)-14864, as amended, for 39 McGarr Court,

- a) to permit a 9.29 square metre (100 square foot) shed and 6.7 square metre (72 square foot) pergola in the rear yard to be located within the 3 metre area dedicated for the underground infiltration storm gallery when the By-law requires that no buildings or structures shall be located or constructed within 3 metres of the rear lot line, in order to protect the underground infiltration storm gallery, and,
- b) to permit the shed and pergola to be located 0 metres from the rear lot line and both rear side yard lot lines when the By-law requires that accessory buildings or structures not be located within 0.6 metres of any lot line,

be approved, subject to the following condition:

1. The owner agrees that the area around and underneath the accessory structures are kept free and clear of any obstruction at all times.”

Carried

Application: A-50/14

Owner: 2267498 Ontario Ltd. and 2363707 Ontario Inc.

Agent: Polocorp Inc., Paul Puopolo

Location: 66 Eastview Road

In Attendance: **Heather Scrannage**
 Larry Kotseff

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

Mr. L. Kotseff replied that the sign was posted and the staff comments were received. Mr. Kotseff explained the purpose of the application to the Committee.

Committee member K. Ash asked if there were any appeals received regarding the related rezoning application (File ZC1307) and why the deficient separation distance was not incorporated into the rezoning application.

Mr. L. Kotseff explained that there were no appeals to the rezoning application and that the deficient separation distance was omitted from the rezoning application.

Committee member L. McNair commented that the units are on an angle and asked for clarification about the distance required between units.

Mr. L. Kotseff indicated that the distances provided on the drawing are 12.74 metres and 15.41 metres.

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

Moved by K. Ash 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 5.3.2.3.1 of Zoning By-law (1995)-14864, as amended, for 66 Eastview Road, to permit units 12, 13, 14 and 15 (as described in the Site Plan drafted by MTE, project no. 36187-200, revised April 30, 2014), to have a reduced separation distance of 12 metres (39.4 feet) from the adjacent units 17, 18, 19, 20 and 21 when the By-law requires that the distance between the face of one building and the face of another building, each of which contains windows or habitable rooms, shall be no less than 15 metres (49.2 feet), be approved.”

Carried

Application: **B-15/14, B-16/14, B-17/14**

Owner: Luke Wilcox, Janine, Sharon and Jeff Buisman

Agent: VanHarten Surveying Inc., Jeff Buisman

Location: 15, 21 and 25 Preston Street

In Attendance: Taylor McDaniel
Jeff Buisman

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

Mr. J. Buisman replied that no sign was required as it is a change of condition and that he received staff comments.

Mr. J. Buisman explained the application and indicated that this file has been before the committee twice before. However, the condition (#11) requiring the filing of a Record of Site Condition has taken a lot longer than anticipated to complete and therefore he is asking for another year to fulfil conditions.

Committee member L. McNair asked if the other remaining conditions will still be fulfilled.

Mr. Buisman replied that he will meet all other remaining conditions.

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

Application B-15/14

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 K. Ash,

“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 16, Registered Plan 314, (Proposed Severance #1 on a severance sketch prepared by Van Harten Surveying Inc., project No. 19913-11, dated June 15, 2012), being part of the lands municipally known as 15 Preston Street, a parcel with a width of 3.77 metres (12.36 feet) and depth of 39.11 metres (128.31 feet) as a lot addition to 17 Preston Street, be approved subject to the following conditions:

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

"The conveyance of (Severed Lands - legal description - Lot and Plan), City of Guelph, County of Wellington, designated as (Part and 61R-Plan Number) as a lot addition only to (Legal Description of Lands to be joined with - Lot and Plan), and shall not be conveyed as a separate parcel from (Legal Description of Lands to be joined with - Lot and Plan)."
3. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage across the entire frontage of Proposed Severance #1 for 12.36-feet (3.77 metres) prior to endorstation of the deeds.
4. That the owner shall be responsible for the estimated costs associated with the construction of a concrete sidewalk across the entire frontage of the said lands and the extension of the sidewalk to the existing sidewalk in front of 13 Preston Street, as determined by the General Manager/City Engineer, prior to endorstation of the deeds. Upon completion of accounting, the owner agrees to pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice by the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
5. That the owner shall locate the position of the sanitary sewer lateral that served the warehouse and be responsible for the entire cost of removing the existing sanitary sewer lateral from the point where the existing sanitary sewer lateral connected to the warehouse and the neighbouring property line of 15 Preston Street, satisfactory to the Plumbing Inspector, prior to endorstation of the deeds.
6. That the owner pays the actual cost of constructing a storm service lateral and catch basin to 15 Preston Street including the cost of any curb cuts or fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to endorstation of the deeds.
7. That the owner shall remove the frame shed, concrete pad, portion of the gravel driveway located on the lands to be severed, prior to endorstation of the deeds.
8. That the owner constructs a driveway and legal off-street parking space for 15 Preston Street satisfactory to the General Manager/City Engineer, prior to endorstation of the deeds.

9. That the owner shall pay for the actual cost of the construction of the new driveway entrances and the required curb cuts and curb fills for 15 Preston Street as determined by the General Manager/City Engineer, with the estimated cost of the works being paid, prior to the endorstation of the deeds.
10. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
11. The owner shall demonstrate to the City that the lands have been decommissioned in accordance with the current MOEE "Guidelines for Use at Contaminated Sites in Ontario" and the owner has filed a record of site condition, prior to the endorstation of the deeds.
12. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to June 4, 2015.
13. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
14. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
15. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Application B-16/14

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 K. Ash,

“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 Lots 16 and 17, Registered Plan 314, (Proposed Severance #3 on a severance sketch prepared by Van Harten Surveying Inc., project No. 19913-11, dated June 15, 2012) to be known as 21 Preston Street, a parcel with a frontage of 12.75 metres (41.83 feet) and a depth of 38.39 metres (125.95 feet) and 39.11 metres (128.31 feet), be approved subject to the following conditions:

1. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage across the entire frontage of 17, 21 and 25 Preston Street for 114.27 feet (34.83 metres), prior to endorsement of the deeds.
2. That prior to the issuance of any building permits on the said lands and/or prior to the construction of the manholes, the box culvert will have to be unearthed and inspected to determine whether the box culvert is acceptable to remain in place, to the satisfaction of the General Manager/City Engineer. If the box culvert is determined not to be acceptable, the property owners will be responsible to replace the box culvert in its entirety on 21 Preston Street and the proposed retained lands (17 Preston Street), to the satisfaction of the General Manager/City Engineer.
3. That prior to the issuance of any building permits on the said lands, the owner shall enter into an agreement, registered on title, with any future purchasers of 17 and 21 Preston Street, that any repair and maintenance of the box culvert/creek if required will be the responsibility of the future owners of the said lands.
4. That prior to the issuance of any building permits on the said lands, the owner will be responsible to provide a manhole on the box culvert/creek in the front yard and the rear yard of 17 Preston Street, for maintenance and inspection of the box culvert.
5. That the owner shall be responsible for the estimated costs associated with the construction of a concrete sidewalk across the entire frontage of the said lands and the extension of the sidewalk to the existing sidewalk in front of 13 Preston Street, as determined by the General Manager/City Engineer, prior to endorsement of the deeds. Upon completion of accounting, the owner agrees to pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice by the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
6. That the owner applies for sanitary and water service laterals and pays the rate in effect at the time of application for the cost of the construction of sanitary and

water service laterals including any curb cuts and curb fills, prior to the issuance of any building permits.

7. That the owner shall locate the position of the sanitary sewer lateral that served the warehouse and be responsible for the entire cost of removing the existing sanitary sewer lateral from the point where the existing sanitary sewer lateral connected to the warehouse and the neighbouring property line of 15 Preston Street, satisfactory to the Plumbing Inspector, prior to endorsation of the deeds.
8. That the owner shall pay for the actual cost of the construction of the new driveway entrances and the required curb cuts and curb fills on the proposed severed lands (21 Preston Street) and the proposed retained lands (17 Preston Street), as determined by the General Manager/City Engineer, with the estimated cost of the works being paid, prior to the issuance of a building permit.
9. The owner shall pay for the actual costs associated with the removal of the existing gravel pavement and gabion retaining wall in the boulevard, the reconstruction of the boulevard and replacing the gravel pavement and gabion retaining wall with topsoil and sod, with the estimated cost of the works being paid, prior to endorsation of the deeds.
10. That the owner remove gabion retaining wall, wood fence and the existing storm sewer including the catchbasin from the lands to be retained (17 Preston Street) to the satisfaction of the General Manager of Planning and the General Manager/City Engineer, prior to issuance of any building permit.
11. That prior to the issuance of a building permit on the proposed severed lands (21 Preston Street) and the proposed retained lands (17 Preston Street), the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
12. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsation of the deeds.
13. That the owner constructs the buildings at such an elevation that the lowest level of the buildings can be serviced with a gravity connection to the sanitary sewer.
14. The owner shall create a legal off-street parking space on the proposed severed lands (21 Preston Street) and on the proposed retained lands (17 Preston Street) at a minimum setback of 6-metres from the property line at the street.

15. That the owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of 17 and 21 Preston Street, prior to the issuance of any building permits.
16. That prior to building or endorsation of the deed, the owner / applicant makes arrangement for the hydro servicing of the three newly created lots via underground services, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
17. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
18. That the elevation and design drawings for the new dwelling on 17 and 21 Preston Street, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
19. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwellings on 17 and 21 Preston Street indicating:
 - a. The location and design of the new dwelling;
 - b. All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
 - c. The location of the new dwelling with a setback that is in character with the surrounding area;
 - d. Grading, drainage and servicing information.
20. That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services.
21. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to

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

30. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to June 14, 2014.
31. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
32. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
33. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Application B-17/14

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 K. Ash,

"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 Lots 16 and 17, Registered Plan 314, (Proposed Severance #2 on a severance sketch prepared by Van Harten Surveying Inc., project No. 19913-11, dated June 15, 2012) to be known as 25 Preston Street, a parcel with a lot frontage of 13.1 metres (42.97 feet) and depth of 39.11 metres (128.31 feet) and 40.08 metres (131.49 feet), be approved subject to the following conditions:

1. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage across the entire frontage of 17, 21 and 25 Preston Street for 114.27 feet (34.83 metres), prior to endorsement of the deeds.

2. That prior to the issuance of any building permits on the said lands and/or prior to the construction of the manholes, the box culvert will have to be unearthed and inspected to determine whether the box culvert is acceptable to remain in place, to the satisfaction of the General Manager/City Engineer. If the box culvert is determined not to be acceptable, the property owners will be responsible to replace the box culvert in it's entirely on 21 Preston Street and the proposed retained lands (17 Preston Street), to the satisfaction of the General Manager/City Engineer.
3. That the owner shall be responsible for the estimated costs associated with the construction of a concrete sidewalk across the entire frontage of the said lands and the extension of the sidewalk to the existing sidewalk in front of 13 Preston Street, as determined by the General Manager/City Engineer, prior to endorstation of the deeds. Upon completion of accounting, the owner agrees to pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice by the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
4. That the owner applies for sanitary and water service laterals and pays the rate in effect at the time of application for the cost of the construction of sanitary and water service laterals including any curb cuts and curb fills, prior to the issuance of any building permits.
5. That the owner shall locate the position of the sanitary sewer lateral that served the warehouse and be responsible for the entire cost of removing the existing sanitary sewer lateral from the point where the existing sanitary sewer lateral connected to the warehouse and the neighbouring property line of 15 Preston Street, satisfactory to the Plumbing Inspector, prior to endorstation of the deeds.
6. That the owner shall pay for the actual cost of the construction of the new driveway entrances and the required curb cuts and curb fills on the proposed severed lands (25 Preston Street) and the proposed retained lands (17 Preston Street), as determined by the General Manager/City Engineer, with the estimated cost of the works being paid, prior to the issuance of a building permit.
7. The owner shall pay for the actual costs associated with the removal of the existing gravel pavement and gabion retaining wall in the boulevard, the reconstruction of the boulevard and replacing the gravel pavement and gabion retaining wall with topsoil and sod, with the estimated cost of the works being paid, prior to endorstation of the deeds.
8. That the owner remove gabion retaining wall, wood fence and the existing storm sewer including the catchbasin from the lands to be retained (17 Preston Street) to

the satisfaction of the General Manager of Planning and the General Manager/City Engineer, prior to issuance of any building permit.

9. That prior to the issuance of a building permit on the proposed severed lands (25 Preston Street) and the proposed retained lands (17 Preston Street), the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
10. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorstation of the deeds.
11. That the owner constructs the buildings at such an elevation that the lowest level of the buildings can be serviced with a gravity connection to the sanitary sewer.
12. The owner shall create a legal off-street parking space on the proposed severed lands (25 Preston Street) and on the proposed retained lands (17 Preston Street) at a minimum setback of 6-metres from the property line at the street.
13. That the owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of 17 and 25 Preston Street, prior to the issuance of any building permits.
14. That prior to building or endorstation of the deed, the owner / applicant makes arrangement for the hydro servicing of the three newly created lots via underground services, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
15. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
16. That the elevation and design drawings for the new dwelling on 17 and 25 Preston Street, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
17. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwellings on 17 and 25 Preston Street indicating:
 - a. The location and design of the new dwelling;

- b. All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
 - c. The location of the new dwelling with a setback that is in character with the surrounding area;
 - d. Grading, drainage and servicing information.
18. That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services.
19. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
20. That the applicant shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsation of the deeds, at the rate in effect at the time of the endorsation.
21. That a Noise and Vibration attenuation study, in keeping with the requirements of Section 8.2.31 of the Official Plan, be submitted to the satisfaction of the Director of Planning and Development Services, prior to the endorsation of the deeds. Further, the owner shall incorporate all recommended noise and vibration attenuation measures into the design of the new dwellings or lots to the satisfaction of the Director of Planning and Development Services.
22. That a noise and vibration study will be completed as well as implementation of its recommendations to satisfy the requirements of Canadian National Railway.
23. That the owner shall enter into an agreement with CN to ensure whatever mitigation measures implemented are maintained, including a 1.8 metre chain link fence along the property line for trespass. If the noise report recommends a noise barrier and it is constructed on the property line, the chain link fence would be redundant.

24. The owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
25. The owner shall demonstrate to the City that the lands have been decommissioned in accordance with the current MOEE "Guidelines for Use at Contaminated Sites in Ontario" and the owner has filed a record of site condition, prior to the endorsonation of the deeds.
26. That prior to endorsonation of the deeds, the owner enters into an Engineering Services Agreement for the said lands with the City, satisfactory to the General Manager/City Engineer and the City Solicitor, which includes all requirements, financial and otherwise, to the satisfaction of the City of Guelph.
27. That prior to endorsonation of the deeds, the owner shall enter into an agreement for the said lands with the City, registered on title, satisfactory to the General Manager/City Engineer agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
28. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to June 14, 2014.
29. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
30. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
31. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Application: B-30/13, B-31/13, B-32/13, B-33/13

Owner: Taylor and Clark McDaniel, Jennifer Hunter

Agent: VanHarten Surveying Inc., Jeff Buisman

Location: 170-178 Elizabeth Street

In Attendance: Jeff Buisman and Taylor McDaniel

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

Mr. J. Buisman replied that sign was posted and that he received staff comments. He requested the Manager of Development Planning S. Kirkwood to provide additional comments.

Manager of Development Planning Ms. S. Kirkwood stated that she had further dialogue with the applicant regarding the consent applications and that on behalf of the Planning Department she wished to amend the staff comments that were originally provided. She recommended that conditions numbered 4, 5 and 6 provided by Engineering Services regarding an easement/right-of-way be amended to read:

“THAT prior to endorsement of deeds, as determined necessary by the General Manager/City Engineer, the servient tenement...”

Ms. S. Kirwood also recommended that an additional condition be added to require that a rezoning be completed prior endorsement of deeds. She recommended that a condition be added to state the following:

“THAT a zoning by-law amendment application to rezone the lands from R.1B-10 to an appropriate zoning category be submitted and approved, and be in full force and effect, prior to endorsement of deeds.”

Ms. S. Kirkwood indicated that heritage issues have been resolved, but there are still some outstanding issues. She noted that a report to Council regarding a demolition permit to remove the two dwellings will be presented at the July 14, 2014 Council meeting. She explained the existing dwellings are in poor shape. She clarified that the applicant will also be submitting a rezoning application shortly.

Committee member K. Ash asked if the lot areas and lot widths are deficient and asked staff to explain the purpose of the rezoning.

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Ms. S. Kirkwood replied that the rezoning application will likely ask permission to change the zoning to R.1D (Specialized Residential Single Detached Zone) and acknowledge the driveway widths and lot frontages.

Mr. J. Buisman explained that the lot has been vacant for a long time and that Mr. McDaniel wants to develop the property with five new dwellings.

Mr. J. Buisman explained that existing storm sewer location limits the configuration possibilities of the lots. He was aware that a rezoning is needed as some of the lot frontages are only 9 metres wide. He continued by showing the Committee members the widths of neighbouring properties and explained that the proposed frontages are similar to those in the neighbourhood.

Mr. J. Buisman indicated that he is proposing 0.6 metre side yards for majority of the lots and the proposed easement running through the middle will help with access.

Committee member K. Ash commented on the notice which showed different hatching areas and asked for clarification if future owners would be able to construct fences due to the easement locations.

Ms. S. Kirkwood replied that the site plan process can address the fence issue.

Committee member J. Hillen asked the applicant if he feels he can satisfy the recommended conditions requiring a rezoning within one year.

Mr. J. Buisman replied yes.

Ms. E. Pappszabo outlined her concerns about increased traffic and a single driveway for all the lots.

Ms. S. Kirkwood answered that Engineering Services did not require a Traffic Impact Study and therefore it was not a requirement for these applications and that the traffic issue can be raised at a future public meeting for the related rezoning application.

Mr. J. Buisman clarified that there will be five driveways, one for each lot.

Mr. R. Hingston outlined his concerns about parking and noise and questioned if the intent is to rent out the dwellings. He would rather see 4 lots than 5 lots. He also explained that there has been water in the basements along Elizabeth Street in the last 2 to 3 years.

Ms. S. Kirkwood explained that she was unaware of the flooding and can have staff look into this issue further.

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Mr. M. Piatek, owner of 166 Elizabeth Street, outlined his concerns about the reduced side yard. He explained that it is difficult to access his driveway, especially in the winter, if the proposed dwelling is close to side lot line. He recommended that there be a 1.5 metre side yard.

Chair R. Funnell asked staff pass to pass this recommendation along to Engineering Services.

Committee member L. McNair expressed concern with the double driveway width.

Mr. J. Buisman explained that this will be dealt with through the rezoning process.

Committee member K. Ash asked for clarification that the intent is not to create 10 dwelling units that are semi-detached.

Mr. T. McDaniel answered that the intent is to create five single detached dwellings with a double car garage for each dwelling.

Committee member C. Downer questioned if the process of receiving a zone change after the approval for consents is the correct order.

Ms. S. Kirkwood replied that there is a level of comfort working with the applicant and that the consents can be granted before the zone change is in place.

Committee member C. Downer asked if a basement accessory apartment is permitted in this zone.

Ms. S. Kirkwood replied that accessory apartments are permitted, but as part of the re-zoning, Council has the ability to prohibit accessory apartments.

Committee member C. Downer indicated that she wants to ensure the concerns presented by the neighbours are addressed as part of the rezoning, and that the minutes of this Committee of Adjustment meeting are added as a condition.

Ms. S. Kirkwood replied that the minutes can be attached to the rezoning application.

Application B-30/13

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 K. Ash,

“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 263 (as described in Site Plan prepared by Van Harten Surveying Inc., lands to be severed no. 4, project number 21405-13, dated January 8, 2014), to be known municipally as 176 Elizabeth Street, a parcel with a width of 9.0 metres (29.52 feet) and depth of 59.5 metres (195. 20 feet), subject to an access easement with a width of 5.0 metres (60.40 feet) and a depth of 9.0 metres (29.53 feet) to the rear of the proposed dwelling in favour of the property to be known municipally as 178 Elizabeth Street, be approved subject to the following conditions:

1. That the minutes regarding this Committee of Adjustment application be provided as background for any future zoning application.
2. That a zoning by-law amendment application to rezone the lands from R.1B-10 to an appropriate zoning category be submitted and approved, and be in full force and effect, prior to endorsonation of deeds.
3. That prior to issuance of building permit, the owner make arrangements with Guelph Hydro Electric Systems Inc. in our Engineering Department for the servicing of the newly created lots via underground services. This will be chargeable to the development/applicant.
4. Prior to endorsonation of the deeds, the owner shall be responsible for all of the costs associated with the demolition and removal of the existing dwellings and any accessory buildings from the property.
5. That prior to endorsonation of deeds, as determined necessary by the General Manager/City Engineer, the servient tenement (176 Elizabeth Street, severed parcel No. 4, Part of Lot 7, Registered Plan 263), grants an access easement/right-of-way approximately 5.0-metre (16.40 feet) wide and a depth of approximately 9.0-metre (29.53 feet), registered on title, in favour of the dominant tenement (178 Elizabeth Street, retained parcel, Part of Lot 7, Registered Plan 263) for maintenance access.
6. That prior to endorsonation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying any conveyances and easements.
7. That prior to endorsonation of the deeds, the owner’s solicitor certifies that the conveyances and easements, in favour of the dominant tenements have been granted and registered on title.
8. 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.

9. That the owner pays the actual cost associated with the removal of the existing asphalt and brick pavers 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.
10. 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.
11. 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.
12. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsement of the deeds.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.

18. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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-31/13

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 K. Ash,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 6 and Part Lot 7, Registered Plan 263 (as described in Site Plan prepared by Van Harten Surveying Inc., lands to be severed no. 3, project number 21405-13, dated January 8, 2014), to be known municipally as 174 Elizabeth Street, a parcel with a width of 10.6 metres (34.77 feet) and depth of 58.8 metres (192.91 feet),

- a) subject to an access easement with a width of 5.0 metres (60.40 feet) and a depth of 9.0 metres (29.53 feet) to the rear of the proposed dwelling in favour of the property to be known municipally as 176 Elizabeth Street,
- b) subject to an storm sewer easement with a width of 3.0 metres (9.84 feet) and a depth of 38.6 metres (126.64 feet), and an easement with a width of 2.0 metres (6.56 feet) and depth of 20 metres (65.62 feet), both in favour of the City of Guelph for the protection and maintenance of an existing 450mm storm sewer.

be approved subject to the following conditions:

1. That the minutes regarding this Committee of Adjustment application be provided as background for any future zoning application.
2. That a zoning by-law amendment application to rezone the lands from R.1B-10 to an appropriate zoning category be submitted and approved, and be in full force and effect, prior to endorsonation of deeds.
3. That prior to issuance of building permit, the owner make arrangements with Guelph Hydro Electric Systems Inc. in our Engineering Department for the servicing of the newly created lots via underground services. This will be chargeable to the development/applicant.
4. Prior to endorsonation of the deeds, the owner shall be responsible for all of the costs associated with the demolition and removal of the existing dwellings and any accessory buildings from the property.
5. That prior to endorsonation of the deeds, the servient tenement (174 Elizabeth Street, severed parcel No. 3, Part of Lots 6 and 7, Registered Plan 263), grants an easement approximately 3.0-metre (9.84 feet) wide and a depth of approximately 38.60-metres (126.64 feet); and an easement approximately 2.0-metre (6.56 feet) wide and a depth of approximately 20.0-metres (65.62 feet), registered on title, in favour of the dominant tenement (City of Guelph) for the protection and maintenance of an existing 450mm storm sewer.

6. That prior to endorsation of deeds, as determined necessary by the General Manager/City Engineer, the servient tenement (174 Elizabeth Street, severed parcel No. 3, Part of Lots 6 and 7, Registered Plan 263), grants an access easement/right-of-way approximately 2.0-metre (6.56 feet) wide and a depth of approximately 31.50-metres (103.35 feet); and approximately 5.0-metre (16.40 feet) wide and a depth of approximately 10.50-metre (34.45 feet), registered on title, in favour of the dominant tenement (176 Elizabeth Street, severed parcel No. 4, Part of Lots 6 and 7, Registered Plan 263) for maintenance access.
7. That prior to endorsation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying any conveyances and easements.
8. That prior to endorsation of the deeds, the owner's solicitor certifies that the conveyances and easements, in favour of the dominant tenements have been granted and registered on title.
9. 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.
10. That the owner pays the actual cost associated with the removal of the existing asphalt and brick pavers 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.
11. 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.
12. 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.
13. 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.

14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.

24. 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.
25. 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-32/13

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 K. Ash,

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 6, Registered Plan 263 (as described in Site Plan prepared by Van Harten Surveying Inc., lands to be severed no. 2, project number 21405-13, dated January 8, 2014), to be known municipally as 172 Elizabeth Street, a parcel with a width of 10.6 metres (34.77 feet) and depth of 58.1 metres (190.61 feet),

- c) subject to an access easement with a width of 5.0 metres (60.40 feet) and a depth of 9.0 metres (29.53 feet) to the rear of the proposed dwelling in favour of the property to be known municipally as 170 Elizabeth Street,
- d) subject to an storm sewer easement with a width of 3.0 metres (9.84 feet) and a depth of 38.6 metres (126.64 feet), and an easement with a width of 2.0 metres (6.56 feet) and depth of 20 metres (65.62 feet), both in favour of the City of Guelph for the protection and maintenance of an existing 450mm storm sewer.

be approved subject to the following conditions:

1. That the minutes regarding this Committee of Adjustment application be provided as background for any future zoning application.

2. That a zoning by-law amendment application to rezone the lands from R.1B-10 to an appropriate zoning category be submitted and approved, and be in full force and effect, prior to endorstation of deeds.
3. That prior to issuance of building permit, the owner make arrangements with Guelph Hydro Electric Systems Inc. in our Engineering Department for the servicing of the newly created lots via underground services. This will be chargeable to the development/applicant.
4. 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 dwellings and any accessory buildings from the property.
5. That prior to endorstation of the deeds, the servient tenement (172 Elizabeth Street, severed parcel No. 2, Part of Lot 6, Registered Plan 263), grants an easement approximately 3.0-metre (9.84 feet) wide and a depth of approximately 38.60-metres (126.64 feet); and an easement approximately 2.0-metre (6.56 feet) wide and a depth of approximately 20.0-metres (65.62 feet), registered on title, in favour of the dominant tenement (City of Guelph) for the protection and maintenance of an existing 450mm storm sewer.
6. That prior to endorstation of deeds, as determined necessary by the General Manager/City Engineer, the servient tenement (172 Elizabeth Street, severed parcel No. 2, Part of Lot 6, Registered Plan 263), grants an access easement/right-of-way approximately 2.0-metre (6.56 feet) wide and a depth of approximately 31.50-metres (103.35 feet); and approximately 5.0-metre (16.40 feet) wide and a depth of approximately 10.50-metre (34.45 feet), registered on title, in favour of the dominant tenement (170 Elizabeth Street, severed parcel No. 3, Part of Lots 5 and 6, Registered Plan 263) for maintenance access.
7. That prior to endorstation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying any conveyances and easements.
8. That prior to endorstation of the deeds, the owner's solicitor certifies that the conveyances and easements, in favour of the dominant tenements have been granted and registered on title.
9. 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.
10. That the owner pays the actual cost associated with the removal of the existing asphalt and brick pavers 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.
11. 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.
 12. 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.
 13. 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 endorstation of the deeds.
 14. 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.
 15. 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.
 16. 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.
 17. 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.
 18. 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.
 19. 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.

20. 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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-33/13

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 K. Ash,

“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 5 and Part Lot 6, Registered Plan 263 (as described in Site Plan prepared by Van Harten Surveying Inc., lands to be severed no. 1, project number 21405-13, dated January 8, 2014), to be known municipally as 170 Elizabeth Street, a parcel with a width of 9.0 metres (29.52 feet) and depth of 57.5 metres (188.64 feet), be approved subject to the following conditions:

1. That the minutes regarding this Committee of Adjustment application be provided as background for any future zoning application.
2. That a zoning by-law amendment application to rezone the lands from R.1B-10 to an appropriate zoning category be submitted and approved, and be in full force and effect, prior to endorsonation of deeds.
3. That prior to issuance of building permit, the owner make arrangements with Guelph Hydro Electric Systems Inc. in our Engineering Department for the servicing of the newly created lots via underground services. This will be chargeable to the development/applicant.
4. Prior to endorsonation of the deeds, the owner shall be responsible for all of the costs associated with the demolition and removal of the existing dwellings and any accessory buildings from the property.
5. That prior to endorsonation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying any conveyances and easements.
6. That prior to endorsonation of the deeds, the owner’s solicitor certifies that the conveyances and easements, in favour of the dominant tenements have been granted and registered on title.
7. 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.
8. That the owner pays the actual cost associated with the removal of the existing asphalt and brick pavers 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.
9. 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.
10. 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.
 11. 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.
 12. 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.
 13. 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.
 14. 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.
 15. 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.
 16. 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.
 17. 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.
 18. 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.
 19. That prior to endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer,

agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.

20. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to June 4, 2015.
21. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
22. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
23. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Moved by L. McNair to adjourn the meeting at 6:15 p.m.

R. Funnell
Chair

Minna Bunnett, ACST(A)
Acting Secretary Treasurer