



COMMITTEE OF ADJUSTMENT MINUTES

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday June 9, 2016 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

B. Birdsell, Chair
K. Ash, Vice Chair
M. Bosch
S. Dykstra
L. Janis
D. Kendrick
P. Ross

Staff Present: D. McMahon, Acting Secretary-Treasurer
S. Samuel, Legislative Coordinator
L. Sulatycki, Planner

Disclosure of Pecuniary Interest and General Nature Thereof

Chair B. Birdsell disclosed a conflict of interest with application File A-38/16 (129 Surrey Street East) as he has done private work with the applicant.

Approval of Minutes

Moved by M. Bosch
Seconded by P. Ross

THAT the Minutes from the May 12, 2016 Regular Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Requests for Withdrawal or Deferral

Applications: B-19/16, A-57/16 & A-58/16
Owner: The Homewood Corporation
Agent: Hugh Handy
Location: 148 – 160 Delhi Street & 49 Emma Street
In Attendance: Hugh Handy
Graham Granger
Brenda MacElewain
Stephen Kilburn

**Marty Thring
James Gordon**

Mr. H. Handy, agent, asked for the above noted applications to be deferred so he could continue consultations with City staff.

Moved by M. Bosch
Seconded by K. Ash

THAT Applications B-19/14, A-57/14 and A-58/14 for 148 – 160 Delhi Street and 49 Emma Street, be **DEFERRED** sinedie, and in accordance with the Committee's policy on applications deferred sinedie, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.

REASONS:

This application is deferred to allow the applicant to meet with staff to review comments and provide additional information.

CARRIED

Current Applications

Application: A-34/16
Owner: Joylife Imperial Towers Ltd.
Agent: N/A
Location: Paisley Road
In Attendance: AI Allendorf

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. A Allendorf, agent, replied that the sign was posted and comments were received.

Mr. A. Allendorf outlined 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 S. Dykstra
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 Table 5.4.2, Rows 9

and 18 of Zoning By-law (1995)-14864, as amended, for 1042, 1020, 996 and 978 Paisley Road,

- a) to permit a rear yard of 8% of the lot depth, being 27.42 meters, when the By-law requires a minimum rear yard equal to 20% of the lot depth, being 68.5 meters; and,
- b) to permit a floor space index of 1.575, when the By-law requires a maximum floor space index of 1.5,

be **APPROVED**, subject to the following conditions:

1. The owner agrees to submit and receive approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of the building, landscaping, parking, circulation, access, lighting, grading, drainage and servicing to the satisfaction of the General Manager of Planning Services and the General Manager/City Engineer. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.
2. That prior to issuance of a building permit, the applicant makes arrangement for provision of underground hydro servicing to the new building, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the applicant's expense.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets all four tests under Section 45(1) of the Planning Act.

CARRIED

Chair B. Birdsell left the Council Chambers.

Application: **A-38/16**
Owner: **Darren Hastings & Paul Morrison**
Agent: **N/A**
Location: **129 Surrey Street East**
In Attendance: **Orvel Gates**

Vice Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. O. Gates, agent, replied that the sign was posted and comments were received.

Mr. O. Gates indicated he was in agreement with the recommended 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 P. Ross
Seconded by L. Janis

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 Section 4.6.2.2, 4.13.2.3, 6.3.3.2.1.1.1, 6.3.3.2.1.1.2, 6.3.3.2.1.1.4, 6.3.3.2.1.1.5 of Zoning By-law (1995)-14864, as amended, for 129 Surrey Street East,

- a) to permit a sight line triangle at a driveway to be the triangular area measured at 0 metres from the edge of the vehicular access at a 90 degree angle and measured at 0 metres from the edge of the sidewalk toward the lot at a 90 degree angle, when the By-law requires that a sight line triangle at a driveway be the triangular area measured at 4 metres from the edge of the vehicular access at a 90 degree angle and measured at 5 metres from the edge of the sidewalk toward the lot at a 90 degree angle;
- b) to permit a parking space located within 0.31 metres of the street line, when the By-law requires that no part of a parking space be located closer than 3 metres to any street line;
- c) to permit a lot area of 55.74 square metres, when the By-law requires a minimum lot area of 270 square metres;
- d) to permit a lot frontage of 7.62 metres, when the By-law requires a minimum lot frontage of 9 metres;
- e) to permit a left side yard of 0.34 metres, when the By-law requires a minimum side yard of 1.5 metres;
- f) to permit a right side yard of 0.68 metres, when the By-law requires a minimum side yard of 1.5 metres; and
- g) to permit a rear yard of 0.25 metres, when the By-law requires a minimum rear yard of 10 metres,

be **APPROVED**, subject to the following conditions:

1. The owner shall have a Professional Engineer or Ontario Land Surveyor design a grading and drainage plan for the site, satisfactory to the General Manager/City Engineer, prior to the issuance of a building permit.
2. 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.
3. Prior to the issuance of a 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.

4. That the owner pays all the costs associated with the removal of the existing service laterals to the existing dwelling, satisfactory to the City's Plumbing/Sewage System Inspector, prior to the issuance of a building permit.
5. That the owner pays the actual cost of the removal of the existing sanitary and water service laterals to the existing dwelling within 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 a building permit.
6. That the owner pays the actual cost of constructing new sanitary and water service laterals to the subject lands, 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.
7. That the owner pays to the City the actual cost of construction of the new driveway entrance and the required curb cut and/or curb fill, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
8. That the owner constructs the new dwelling at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
9. 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 the issuance of a building permit.
10. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. to determine what the servicing requirements might be for the said lands, prior to the issuance of a building permit.
11. 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.
12. 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.
13. That prior to the issuance of a building permit, 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.
14. That prior to issuance of a building permit, the applicant makes arrangements with Technical Services Department of Guelph Hydro Electric Systems Inc. for the servicing of the new building, the costs would be at the applicant's expense.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets all four tests under Section 45(1) of the Planning Act.

CARRIED

Chair B. Birdsell returned to Council Chambers.

Application: A-39/16
Owner: Connect Tech Inc.
Agent: Jim Fryett – James Fryett Architect Inc.
Location: 42 Arrow Road
In Attendance: James Fryett

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. J. Fryett, agent, replied that the sign was posted and comments were received.

Mr. J. Fryett outlined the application and indicated the applicant was in agreement with all of the proposed conditions.

Mr. J. Fryett, in response to a question from Member M. Bosch, indicated that issues relating to drainage and grading would be covered during the site plan process.

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

Moved by D. Kendrick
Seconded by M. Bosch

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 7.3 Rows 4 and 5 of Zoning By-law (1995)-14864, as amended, for 42 Arrow Road, to permit a right side yard of 2.5 metres, when the By-law requires that the minimum side yard is one-half the building height [7.2 metres] to a maximum of 9 metres, but not less than 3 metres [a minimum side yard of 3.6 metres would be required], be **APPROVED**, subject to the following conditions:

1. That the applicant receives approval for an amendment to the approved site plan (SP14B028) under section 41 of the Planning Act.

2. That the applicant has a 12-month time period from the day of Committee's final decision to submit and obtain an amendment to the approved site plan (SP14B028) or the variance shall be rendered null and void.
3. That the variance only applies to the right side yard as shown in the Public Notice.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets all four tests under Section 45(1) of the Planning Act.

CARRIED

Application: B-16/16

Owner: 139 Morris Street Ltd.

Agent: Nancy Shoemaker – Black, Shoemaker, Robinson & Donaldson Ltd.

Location: 139 Morris Street

In Attendance: Nancy Shoemaker
Shawn Kroeplin
Blake Irwin

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. N. Shoemaker, agent, replied that the sign was posted and comments were received.

Ms. N. Shoemaker outlined the application.

Ms. N. Shoemaker, in response to a question from Member K. Ash, indicated that the holding provision for the apartment zone was for a sightline associated with the Spurline connection to York Road and the holding provision for the townhouse and apartment zone refers to a noise impact study update that is required to mitigate the sound from Owens Corning.

Planner L. Sulatycki, in response to a question from Member S. Dykstra, indicated that the zoning and severance boundaries were aligned.

Ms. N. Shoemaker, in response to a question from Member M. Bosch, indicated there are not multiple driveways onto the subject property and that the buffer at the bottom of the drawing was green space.

Ms. N. Shoemaker indicated that the future plan for the site was to go through part lot control to separate the townhouses.

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 P. Ross

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 Lots 21 to 30 of Registered Plan 322, and Part 1 of Factory Site RP 61R-2665 (proposed "lands to be severed" as shown on a sketch prepared by Black, Shoemaker, Robinson & Donaldson Limited, dated May 4, 2016, project no. 12-9344-4), municipally known as 139 Morris Street, a parcel with frontage along Morris Street of 145 metres, a depth of 33 metres, and an area of 4,758 square metres, be **APPROVED**, subject to the following conditions:

1. The owner/developer acknowledges and agrees that ensuring the suitability of the land from an environmental engineering perspective, for the proposed use(s) is the responsibility of the owner.
2. Prior to the site plan approval, the Consultant shall certify that all property to be developed pose no risks to public health and safety and to the environment and can be developed for proposed uses.
3. Prior to site plan approval, if contamination is found, the owner/developer shall:
 - i. Submit all environmental assessment reports prepared in accordance with O. Reg. 153/04, as amended (i.e. if the existing actual (physical) use of the property is going from less sensitive to more sensitive use) **OR** CSA Z768-01 (as amended) format, describing the current conditions of the subject property to be developed to the satisfaction of the City; and
 - ii. Complete any necessary remediation/risk assessment work at the owner's expense and submit certification from a Qualified Person (QP) that the lands to be developed meet the applicable standard(s) of the intended land use.
4. The owner/developer agrees to submit and receive approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of buildings, landscaping, parking, access, lighting, grading and drainage and servicing to the satisfaction of the General Manager of Planning and Building and the General Manager/City Engineer, prior to the issuance of a building permit. Furthermore, the owner/developer shall develop the said lands in accordance with the approved site plan.
5. Prior to site plan approval, the owner/developer shall have a Professional Engineer design a grading and drainage plan for the said lands, satisfactory to the General Manager/City Engineer. Furthermore, the owner/developer shall have the Professional Engineer who designed the grading and drainage plan certify to the City that he/she has inspected the final grading of the site and that it is functioning properly.

6. That the owner/developer agrees to have a Professional Engineer design a stormwater management system for the said lands, to the satisfaction of the General Manager/City Engineer, prior to site plan approval.
7. The owner/developer shall pay the actual cost of replacing, extending, filling, repairing all curb and gutter and sidewalk/boulevard along the frontages of the subject site, that are required in order to service the proposed development, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to site plan approval.
8. The owner/developer shall pay the actual cost of constructing, installing or removal of any service laterals required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to site plan approval.
9. The owner/developer shall pay 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 City Engineer being paid, prior to site plan approval.
10. That the owner/developer constructs the buildings at such an elevation that the buildings can be serviced with a gravity connection to the sanitary sewer.
11. Prior to the issuance of any building permit, the owner/developer shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
12. That the owner/developer enters into a Storm Sewer Agreement as established by the City, providing a grading and drainage plan, registered on title, satisfactory to the General Manager/City Engineer, prior to endorsation of the deeds.
13. That a legal off-street parking space be created on the severed parcel at a minimum setback of 6-metres from the property line at the street.
14. That the owner/developer acknowledges that the City does not allow retaining walls higher than 1.0-metre abutting existing residential properties without the permission of the General Manager/City Engineer.
15. Prior to the issuance of a building permit, the owner/developer agrees to place a notification in the offer of purchase and sale for the lot that sump pumps will be required 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. The owner/developer shall be responsible for the total cost associated with the repair of any damage to the existing municipal services which is caused during the course of construction or building on the said lands.

17. During the construction of any building or structure on any part of the said lands, and the installation of any service or utility, the owner/developer shall observe, or cause to be observed, all By-laws of the City and the following provisions and shall deliver a copy of this to every contractor who may construct any of the Municipal Services:
 - a) All streets abutting on the said lands which are to be used for access to the said lands during the development of them and during construction of buildings on them shall be kept in good and usable condition and, if damaged, shall be repaired immediately to the satisfaction of the General Manager/City Engineer at the expense of the owner/developer.
 - b) All trucks and vehicles making deliveries to or taking materials from the said lands or working on the said lands shall be both covered and loaded in such a manner as to not scatter refuse, rubbish, or debris on any road or highway whether within the said lands or not. Should any such refuse, rubbish, or debris be so scattered, the owner/developer shall be responsible to immediately remove it and correct any damage caused thereby. Failing immediate removal of the refuse, rubbish, or debris, the City may remove it and the City may correct any damage caused thereby, such removal and/or correction to be at the expense of the owner/developer.
 - c) All construction garbage shall be collected and disposed of in an orderly manner at the Municipal Waste Disposal Site, or at such other place as may be approved by the General Manager/City Engineer. Under no circumstances shall garbage or rubbish of any kind be disposed of by burning on the site without authorization of the Fire Chief.
18. Prior to the issuance of a building permit, any domestic wells, monitoring wells and boreholes drilled for environmental, hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines. The owner/developer shall submit a Well Record to the satisfaction of the General Manager/City Engineer.
19. That the owner/developer 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. That all electrical services to the lands are underground and the owner/developer shall make satisfactory arrangements with the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
21. The owner/developer 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.
22. That prior to endorsement of the deeds, the owner/developer 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.

23. That the Owner/Developer shall complete a tree inventory, preservation and compensation plan, satisfactory to the General Manager of Planning, Urban Design and Building Services and City Engineer, in accordance with the City of Guelph By-law (2010)-19058, prior to any tree removal, grading or construction on the site.
24. That as part of site plan approval the recommendations provided in the Noise Impact Study prepared by Conestoga-Rovers Associates, dated November 14, 2012 shall be integrated into the design of the building, particularly with respect to noise mitigation specifications for upgraded windows/cladding, building materials, outdoor amenity areas and air-conditioning requirements to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
25. That the following warning clauses shall be incorporated into a future site plan control agreement, offers of purchase and sale or lease/rent for all townhouse units:

“Purchasers/Tenants are advised that despite the inclusion of noise control features in the development and with the building units, sound levels due to increasing road and rail traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality’s and the Ministry of the Environment’s noise criteria. The Guelph Junction Railway (GJR)/Ontario Southland Railway (OSR) shall not be held liable for noise level or vibration level increases.”

“Purchasers/Tenants are advised that due to the proximity of the adjacent industry, sound levels from the industry may at times be audible.”
26. That prior to site plan approval, the Baseline Vibration Monitoring Report, prepared by Inspec-Sol Engineering Solutions, dated July 10, 2012, shall be updated to the satisfaction of the Guelph Junction Railway.
27. The following warning clause shall be incorporated into a future site plan control agreement, offers of purchase and sale or lease/rent for all townhouse units:

“Purchasers/Tenants are advised that disposal of any type of refuse along the Guelph Junction Railway tracks is strictly prohibited.”
28. The Developer must follow Guelph Junction Railway’s (GJR) policy document entitled, “Requirements for Contractors and Other Third Parties Entering onto and Working on GJR Property”, or any successor thereof, when carrying out work involving machines within 15 metres of GJR track centreline.
29. That prior to the endorsation of the deeds, the owner shall enter into a development agreement with the City, registered on title, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.
30. That prior to issuance of a building permit, the applicant enters into a servicing agreement with the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the new townhouse development.

31. That upon fulfilling and complying with all of the above-noted conditions, 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.
32. 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.
33. 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.
34. 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.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets the criteria of section 51(24) of the Planning Act to which all consent applications must adhere.

CARRIED

Application: B-17/16
Owner: 90 – 102 Silvercreek Parkway Inc.
Agent: Aynsley Anderson – Barriston LLP
Location: 100 Silvercreek Parkway North
In Attendance: Aynsley Anderson

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. A. Anderson, agent, replied that the sign was posted and comments were received.

Ms. A. Anderson requested that condition number six (6) be amended to refer only to the submission of an electronic version of a reference plan.

Acting Secretary-Treasurer D. McMahon indicated that because a physical reference plan had been submitted at the time of application he had no problem amending the condition as proposed by the agent.

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 M. Bosch
Seconded by S. Dykstra

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 the creation of an easement on Registered Plan 615, Part of Block 'B', Parts 1, 2 & 3 of Reference Plan 61R-20791, known municipally as 100 Silvercreek Parkway, a 6 metre wide easement with an area of 682.14 square metres, for access relating to the Guelph Area Transmission Refurbishment project, in favour of Hydro one, be **APPROVED**, subject to the following conditions:

1. That prior to endorsonation of the deeds, the servient tenement lands (100 Silvercreek Parkway North, 90-102 Silvercreek Parkway Inc., Part of Block B, Registered Plan 615, being Parts 1, 2 & 3 of Reference Plan 61R-20791), grants a surface access easement approximately 6.0-metres (19.69 feet) wide by approximately 113.69-metres (373.0 feet) deep over Parts 1, 2 and 3, Reference Plan 61R-20791, in perpetuity, registered on title, in favour of the dominant tenement lands (Hydro One Inc., Lot 5, Concession 1, Division E), to permit a surface access to the Guelph Area Transmission Refurbishment Project.
2. That prior to endorsonation of the deeds, the solicitor for the owner (90-102 Silvercreek Parkway Inc.) of the servient tenement lands (100 Silvercreek Parkway North, 90-102 Silvercreek Parkway Inc., Part of Block B, Registered Plan 615, being Parts 1, 2 & 3 of Reference Plan 61R-20791), certifies that the surface access easement, being Parts 1, 2 and 3, Reference Plan 61R-20791, in favour of the dominant tenement lands (Hydro One Inc., Lot 5, Concession 1, Division E), has been granted and registered on title.
3. That upon fulfilling and complying with all of the above-noted conditions, 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.
4. 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.
5. 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.
6. That a digital copy of the draft Reference Plan (version ACAD 2010), which shall indicate the boundaries of the severed parcel and any easements/rights-of-way,

be prepared, deposited and filed with the Secretary-Treasurer. The submission can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets the criteria of section 51(24) of the Planning Act to which all consent applications must adhere.

CARRIED

Application: B-18/16
Owner: Dunsire (Landsdown) Inc.
Agent: Astrid Clos – Astrid J. Clos Planning Consultants
Location: 28 Landsdown Drive
In Attendance: Astrid Clos

Acting Secretary-Treasurer D. McMahon noted that conditions 26 and 27 were no longer supported by Parks Planning staff and should not be included in the Committee's decision.

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. A. Clos, agent, replied that the sign was posted and comments were received.

Ms. A. Clos outlined the application.

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
Seconded by M. Bosch

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 Registered Plan 488, Part of Lot 10 (proposed area "to be severed" as shown on a sketch prepared by MacDonald Tambllyn Lord Surveying, dated March 28, 2016, ref. no. 14-40-111-03), municipally known as 28 Landsdown Drive, a parcel with frontage along Landsdown Drive of 13.83 metres, a depth of 33.21 metres and an area of 459 square metres, be **APPROVED**, subject to the following conditions:

1. Prior to endorstation of the deeds, the owner shall be responsible for all of the costs associated with the demolition and removal of the existing dwelling from the proposed retained lands and the proposed severed lands.

2. Prior to endorstation of the deeds, the owner will be responsible to decommission the existing septic system and private well to the satisfaction of the City's Plumbing/Sewage System Inspector.
3. That the owner shall pay all of the costs associated with the removal of the existing storm sewer lateral including the existing catchbasin from the proposed severed lands to the satisfaction of the City's Plumbing/Sewage System Inspector, prior to endorstation of the deeds.
4. That the owner pays the actual cost associated with the removal of the existing storm sewer lateral from the road allowance, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to endorstation of the deeds.
5. That the owner pays the actual cost associated with the removal of the existing asphalt within the road allowance from the area of the existing driveway entrance, the restoration of the boulevard with topsoil and sod including any required curb fills, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to endorstation of the deeds.
6. That the owner pays to the City the actual cost of construction of the new driveway entrance and the required curb cut and/or curb fill and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost of the new driveway entrance and the required curb cut and/or curb fill, as determined by the General Manager/City Engineer.
7. That prior to the issuance of any building permits on the said lands, the owner shall pay the flat rate charge applied to tree planting for the proposed severed lands, established by the City.
8. That the owner constructs the new dwelling at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
9. 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.
10. The owner agrees to install sump pumps for the foundation drain; furthermore, all sump pumps must be discharged to the rear yard.
11. That the owner enters into a Storm Sewer Agreement as established by the City, providing a grading and drainage plan, registered on title, satisfactory to the General Manager/City Engineer, prior to endorstation of the deeds.
12. That a legal off-street parking space be created on the proposed severed lands at a minimum setback of 6-metres from the property line at the street.
13. 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.

14. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
15. That owner shall make satisfactory arrangements with the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
16. The owner shall ensure that all telephone service and cable TV service is available to the lands. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of utility services, prior to the issuance of any building permits.
17. 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.
18. That a site plan shall be submitted to, and approved by the General Manager of Planning, Urban Design, and Building Services and the City Engineer, prior to the issuance of a building permit for the new dwelling on the severed lot indicating:
 - i. The location of the new dwelling;
 - ii. A front yard setback that is consistent with the front yard setback of the existing houses on Landsdown Drive;
 - iii. 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;
 - iv. Grading, drainage and servicing information.
19. That prior to the issuance of a building permit and prior to undertaking activities which may injure or destroy trees, the Owner shall complete a Tree Inventory and Preservation Plan (TIPP) prepared by an arborist and in accordance with the Private Tree Protection By-law (2010-19058) for approval and to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
20. That prior to undertaking activities which may injure or destroy trees, the applicant shall erect tree protection fencing at one (1) metre from the dripline of any existing trees to be retained on the property, or on adjacent properties, which may be impacted in accordance with the approved TIPP and to satisfaction of the General Manager of Planning, Urban Design and Building Services.
21. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy regulated trees, the applicant submit a Landscaping, Compensation and Replacement Plan (LCRP) in accordance with the Private Tree Protection By-law (2010-19058) for approval to the satisfaction of the General Manager of Planning, Urban Design and Building Services, and the LCRP must be implemented.

22. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy trees, the applicant will provide securities covering a portion of the cost of the approved Landscaping, Compensation and Replacement Plan (LCRP) based on a cost estimate provided by a qualified professional and to the satisfaction of the General Manager of Planning, Urban Design and Building Services. Securities will be held until implementation of the LCRP.
23. That the applicant shall contact the City to inspect the tree protection fencing prior to undertaking activities which may injure or destroy regulated trees.
24. That the undertaking of activities which may injure or destroy trees occur outside of the breeding bird season (approximately April 1 to July 31) or include appropriate mitigation measures to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
25. That prior to the endorsonation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.
26. The Owner shall be responsible for the payment of cash-in-lieu of parkland dedication to the satisfaction of the Deputy CAO of Public Services pursuant to s. 51.1 and s. 53(13) of the *Planning Act* prior to the endorsement of the Transfer (deed).
27. Prior to the endorsement of the Transfer (deed) by the City, the Owner shall provide to the Deputy CAO of Public Services a satisfactory short narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the payment of cash-in-lieu of parkland dedication pursuant to s.51.1 and s.53(13) of the Planning Act. The short narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services. Notwithstanding the foregoing, if the short narrative appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services, acting reasonably, the City reserves the right to obtain an independent short narrative appraisal for the purposes of calculating the payment of cash-in-lieu of parkland dedication.
28. That prior to issuance of a building permit, the applicant makes arrangements with Technical Services Department of Guelph Hydro Electric Systems Inc. for the servicing of the new building, the costs would be at the applicant's expense.
29. That upon fulfilling and complying with all of the above-noted conditions, 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.
30. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
31. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the

deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.

- 32. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets the criteria of section 51(24) of the Planning Act to which all consent applications must adhere.

CARRIED

- Application:** B-19/16
- Owner:** Wellington Catholic District School Board
- Agent:** Nancy Shoemaker – Black, Shoemaker, Robinson & Donaldson Limited
- Location:** 54 Westmount Road
- In Attendance:** Nancy Shoemaker

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. N. Shoemaker, agent, replied that the sign was posted and comments were received.

Ms. N. Shoemaker briefly outlined the application.

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 D. Kendrick
Seconded by S. Dykstra

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 the creation of an easement on Range 4, Division 'A', Part of Lot 8, Part 1 of Reference Plan 61R-20674, an easement with frontage along Edinburgh Road of 2 metres, a depth of 4 metres, and an area of 8 square metres, be **APPROVED**, subject to the following conditions:

- 1. That prior to endorsation of the deeds, the servient tenement, (54 Westmount Road, Wellington Catholic District School Board, Part of Lots 3, 4, 5, 6, 7, 8, and 9, Range '4', Division 'A', City of Guelph), grants an easement 2.0 metres by 2.0

metres, being described as Part 2 on the provided sketch, registered on title, in favour of the dominant tenement (Guelph Hydro), to provide for access to a utility line.

2. That prior to endorsonation of the deeds, the solicitor for the owner of the servient tenement lands (54 Westmount Road, Wellington Catholic District School Board, Part of Lots 3, 4, 5, 6, 7, 8, and 9, Range '4', Division 'A', City of Guelph), certifies that the utility access easement, being Part 2 on the attached plan, in favour of the dominant tenement lands (Guelph Hydro), has been granted and registered on title.
3. That upon fulfilling and complying with all of the above-noted conditions, 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.
4. 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.
5. 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.
6. 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.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets the criteria of section 51(24) of the Planning Act to which all consent applications must adhere.

CARRIED

Application: A-40/16
Owner: 1066701 Ontario Ltd.
Agent: Astrid Clos – Astrid J. Clos Planning Consultants
Location: 201 – 207 Alice Street
In Attendance: Astrid Clos
Craig Tschirhart

Acting Secretary-Treasurer D. McMahon noted that the application was amended to add a variance relating to parking and that proper public notice of this amendment had been given.

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. A. Clos, agent, replied that the sign was posted and comments were received.

Ms. A. Clos outlined the application.

In response to a question from Member S. Dykstra, Planner L. Sulatycki indicated that the subject property was zoned before the passing of the 1995 Zoning By-law and that the specialized zone recognized the existing use at the time the Zoning By-law was passed.

Ms. A. Clos indicated that a recreation centre is a permitted use in the parent (B.4) zoning.

Member S. Dykstra said he believed the application was not minor and did not meet the intent and the purpose of the Zoning By-law because the property was zoned specifically for chemical products and no other permitted uses were included.

Ms. A. Clos indicated that because the use is permitted in the parent zone the application meets the intent and purpose of the Zoning By-law. Furthermore, Ms. A. Clos indicated that there are other examples in the City of Guelph where a parent zoning allows for a particular use but the specialized zoning does not and that these applications have been approved by the Ontario Municipal Board.

Ms. A. Clos, in response to a question from Member L. Janis, described the nature of the proposed recreation centre. Ms. A. Clos also indicated that she believed this use would have less impact on the neighbourhood than the existing chemical products use.

Planner L. Sulatycki indicated that the B.4 zone does not permit a recreation centre as a standalone use.

Member S. Dykstra suggested that the application go forward as a re-zoning and not a minor variance because it does not meet the intent and purpose of the Zoning By-law.

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 M. Bosch
Seconded by D. Kendrick

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 7.3.4.1.1 and 4.13.4.1 of Zoning By-law (1995)-14864, as amended, for 201 – 207 Alice Street,

- a) to permit a recreation centre as an additional permitted use on the property, when the By-law permits a chemical products industry use in the B.4-1 zone, but does not permit a recreation centre; and

- b) to permit 31 parking spaces for the existing industrial mall, when the By-law requires one parking space per 50 square metres of gross floor area up to 1,000 square metres and one parking space per 100 square metres of gross floor area between 1,000 and 5,000 square metres [a total of 56 parking spaces for the existing industrial mall];

be **APPROVED**, subject to the following conditions:

1. That the ten (10) parking spaces required for the proposed recreation centre be painted in accordance with the sketch attached to the revised Public Notice prior to the operation of the recreation centre.
2. That the recreation centre use be limited to 484 square metres in size.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets all four tests under Section 45(1) of the Planning Act.

CARRIED

Application: A-41/16
Owner: Neil & Pam Sayer
Agent: N/A
Location: 164 Country Club Drive
In Attendance: Pam Sayer
Neil Sayer

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. P. Sayer, owner, replied that the sign was posted and comments were received.

In response to questions from Member L. Janis and Chair B. Birdsell, Ms. P. Sayer indicated the height of the proposed garage was 4.3 metres, that it would be a single story and that it would not have an attic.

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. Janis

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.5.1.1 of Zoning By-law (1995)-14864, as amended, for 164 Country Club Drive to permit the construction of a 36.8 square metre accessory building (garage) which occupies 48% of the rear yard, when the By-law permits the construction of an accessory building in the rear yard of properties within the R.1D zone up to a maximum of 30% of the total rear yard, be **APPROVED**.

REASONS:

This application is approved, as it is the opinion of the Committee that this application meets all four tests under Section 45(1) of the Planning Act.

CARRIED

Application: A-42/16
Owner: Jeff Bousfield
Agent: N/A
Location: 10 Ontario Street
In Attendance: Jeff Bousfield

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. J. Bousfield, owner, replied that the sign was posted and comments were received.

Mr. J. Bousfield asked staff why a deferral was required to amend the application to refer to a side yard setback considering that the distance of the setback itself would remain the same whether it was for a side yard or accessory structure.

Mr. J. Bousfield, in response to a question from member D. Kendrick, outlined the application and explained why he applied for this particular variance.

In response to a question from Member D. Kendrick, Planner L. Sulatycki indicated that staff were seeking a deferral in order to allow time to meet with the applicant to determine the appropriate variance.

Moved by M. Bosch
Seconded by K. Ash

THAT Application A-42/16 for 10 Ontario Street, be **DEFERRED** sinedie, and in accordance with the Committee's policy on applications deferred sinedie, that the application 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.

REASONS:

This application is deferred to allow the applicant to meet with staff to review comments and provide additional information.

CARRIED

Other Business

Member K. Ash requested that during future Committee of Adjustment meetings more formal consideration be given to the rules of procedure, including the moving and seconding of motions.

Adjournment

Moved by M. Bosch
Seconded by D. Kendrick

THAT the hearing of the Committee of Adjustment be adjourned at 5:14 p.m.

CARRIED

B. Birdsell
Chair

D. McMahon
Acting Secretary-Treasurer