



**COMMITTEE OF ADJUSTMENT
MINUTES**

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday March 10, 2016 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

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

Regrets: K. Ash, Vice Chair

Staff Present: L. Sulatycki, Planner
T. Di Lullo, Secretary-Treasurer
D. McMahon, Council Committee Assistant

Disclosure of Pecuniary Interest and General Nature Thereof

Member D. Kendrick disclosed a conflict of interest with File A-11/16 (51 Vanier Drive) as he is an adjacent neighbour of the subject property.

Member B. Birdsell disclosed a conflict of interest with file A-13/16 (14 Schiedel Drive) as he has done private work with the agent.

Approval of Minutes

Secretary-Treasurer T. Di Lullo noted that in response to a request from member K. Ash, page 8 of the minutes from February 11, 2016 regarding Files B-4/16 to B-8/16 (1405 Gordon Street) were amended to replace the words "also expressed concern" with "questioned".

She also noted that the draft minutes were amended on page 18 to reflect the additional written comments provided at the hearing for File A-7/16 (202 Glasgow Street) by the current and previous tenants of the subject property and by resident Mr. S. MacDonald.

Copies of these amendments were provided to the members.

Moved by D. Kendrick
Seconded by P. Ross

THAT the Minutes from the February 11, 2016 Regular Meeting of the Committee of Adjustment, be approved as amended.

CARRIED

Requests for Withdrawal or Deferral

Applications: A-17/16, A-18/16, A-19/16, A-20/16, A-21/16, A-22/16,
& A-23/16

Owner: 2382917 Ontario Inc.

Agent: N/A

Location: 1023 Victoria Road South (Blocks 33-39)

In Attendance: Kelley des Tombe
Pam Kraft

Ms. K. des Tombe, representative for the owner, requested that the applications be deferred, as per the staff comments.

Moved by D. Kendrick
Seconded by S. Dykstra

THAT Applications A-17/16, A-18/16, A-19/16, A-20/16, A-21/16, A-22/16, and A-23/16 for 1023 Victoria Road South (Blocks 33-39), 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accordance with the Committee's policy on applications deferred sinedie, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.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 Environmental Implementation Report (EIR) Addendum to be reviewed and approved by both the Environmental Advisory Committee (EAC) and City Staff and to allow Engineering staff time to review the design and/or location of the proposed utilities within the right-of-way.

CARRIED

Current Applications

Application: B-10/16

Owner: Dominic Allard and Catherine Barlow

Agent: James Laws, Van Harten Surveying Inc.

Location: 515 Woolwich Street

In Attendance: James Laws
Joel Sypkes
Dominic Allard

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from G. Sheffield and K. Vsetula with concerns about the application. A copy of the correspondence was provided to the members.

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. Laws, agent, replied that the sign was posted and comments were received.

Mr. J. Laws outlined the application.

In response to a question from member S. Dykstra, Mr. J. Laws confirmed that the jog in the proposed property line corresponded with the existing jog in the zoning.

In response to a question from member P. Ross, Planner L. Sulatycki indicated she could not comment on the necessity of a condition put forward by Guelph Hydro and suggested that the condition remain in place. Secretary-Treasurer T. Di Lullo noted that there was no issue with retaining the condition.

No members of the public spoke in support or opposition to 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 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 215, Part Lots 3, 4, 5, 22, 23, and 24, and Parts 3 and 4 of Reference Plan 61R-8004 (proposed "lands to be severed" as shown on a sketch prepared by Van Harten Surveying Inc. dated January 11, 2016, project no. 19402-10), to be known municipally as 511 Woolwich Street, an irregularly shaped parcel with frontage along Woolwich Street of 14.3 metres, a depth of 29.7 metres, and an area of 427.9 square metres, be **APPROVED**, subject to the following conditions:

1. That prior to issuance of a building permit, the applicant makes arrangements for provision of hydro servicing to the severed parcel, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the applicant's expense.
2. 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.
3. 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.
4. 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.

5. 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

Applications: B-11/16 & A-10/16
Owner: SPF3 Bullfrog Mall Inc.
Agent: Victor Labreche, Labreche Patterson & Associates Inc.
Location: 380 Eramosa Road and 319 Stevenson Street North
In Attendance: Victor Labreche
Joe Burns

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

Mr. V. Labreche indicated that he supported staff comments and recommendations for approval because the severance was technical in nature as it adds a lot line between existing residential dwellings.

In response to a question from Member S. Dykstra, Mr. V. Labreche suggested that the existing rear yard, including setback for the adjacent commercial use, was consistent with current City standards and that the minor variance requested for the rear yard was only as a result of the garage and that the bulk of the yard complies with the By-law.

No members of the public spoke in support or opposition to 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 M. Bosch
Seconded by D. Kendrick

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 265, Part of Lots 55, 56, 57, 58, 59, 60, 65 and 73, and Part Lot 4, Registered Plan 513, and Part Lot 3, West of Eramosa Road, Division 'F', municipally known as 319 Stevenson Street North, a parcel with frontage along Stevenson Street North of 21.7 metres, a depth of 23.7 metres, and an area of 514 square metres, be **APPROVED**, subject to the following conditions:

1. 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.
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 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.
4. 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

File A-10/16

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 Table 5.1.2, Row 8 of

Zoning By-law (1995)-14864, as amended, for 319 Stevenson Street North, to permit a rear yard of 10% of the lot depth, being 2.3 metres, when the By-law requires that the minimum rear yard be 20% of the lot depth, being 4.7 metres, be **APPROVED**, subject to the following conditions:

1. That the variance only applies to the portion of the existing dwelling as shown on the sketch attached to the Public Notice associated with this application.
2. That the shed located in the front yard be relocated to comply with the Zoning Bylaw or be removed from the property within 3 months of this decision.

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

Member D. Kendrick left the meeting room at 4:18 pm.

Application: A-11/16
Owner: Lesley Shepherd and Paul Reginato
Agent: N/A
Location: 51 Vanier Drive
In Attendance: Lesley Shepherd
Paul Reginato
Patrick Morris

Secretary-Treasurer T. Di Lullo noted that correspondence was received from the Old University Neighbourhood Residents' Association in opposition to the application. A copy of the correspondence was provided to the members.

Secretary-Treasurer T. Di Lullo also noted that correspondence was received from A. Sanvido, and F. Piovesan in support of the application. Copies of the correspondence were provided to the members.

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

Mr. P. Reginato, owner, gave a PowerPoint presentation outlining his application and review of staff comments. He explained that the existing pool equipment cannot be relocated.

Member M. Bosch asked for clarification on the proposed solutions. Planner L. Sulatycki explained that she believed the proposed variance does not meet the four tests because it is

built on the property line, which therefore does not allow for maintenance or proper drainage.

Planner L. Sulatycki provided a condition regarding the redesign of the roof structure should the Committee approve the application: "That the roof be reconstructed to prevent drainage onto the adjacent property within 3 months of this decision and to the satisfaction of the Chief Building Official."

In response to questions from M. Bosch, Planner L. Sulatycki replied that if approved with the additional condition the roof would need to be reconstructed. Member M. Bosch asked if the owner found the reconstruction of the roof to be an acceptable condition. Mr. P. Reginato said that Engineering Services indicated there was no issue with drainage and therefore an eavestrough redirecting water onto the subject property was preferred.

In response to a question from member S. Dykstra, Mr. P. Reginato indicated that there was access to the backyard on the other side of the property. In response to a question from member S. Dykstra, Planner L. Sulatycki said the structure was not built with permit so she was unsure whether it was in accordance with the Ontario Building Code. Planner L. Sulatycki also indicated that the size of the pool shed does not require a building permit but does need to be built as per the Zoning By-law.

Member M. Bosch asked if the applicant's proposed eavestrough solution would be acceptable to the City. Planner L. Sulatycki indicated that the only condition that would satisfy the Chief Building Official was the previously mentioned condition regarding the reconstruction of the roof.

Member P. Ross asked if the Building Services condition could be amended to indicate that "measures be taken to prevent drainage into the adjacent property within three months of the decision and to the satisfactions of the Chief Building Official". Planner L. Sulatycki said she would not recommend modifying the condition provided by Building Services.

Planner L. Sulatycki indicated that she was not involved in the pre-consultation but that the staff position had changed since the pre-consultation took place.

Mr. P. Morris, McElderry Morris law firm, agent for member D. Kendrick (owner of an abutting property at 49 Vanier Drive), indicated that Mr. D. Kendrick was opposed to the application because the variance in question was not minor, not appropriate for the development or use of the land, and that the general intent and purpose of the Zoning By-law was not met. Mr. P. Morris showed photos of the pool shed from inside Mr. Kendrick's house at 49 Vanier Drive. Finally, Mr. P. Morris described the use of the shed as not passive but rather active in that it was used at least twice per day during the summer months and could be relocated to the back of the property. He went on to indicate that Mr. Kendrick was selling the house and that the shed was not a pleasant selling feature and furthermore that a request for a 0 metre setback was not minor and did not meet the general intent of the Zoning By-law.

Member Bosch acknowledged that if the roof of the shed was removed there would be no issue or requirement for minor variance.

In response to a question from member S. Dykstra, Planner L. Sulatycki indicated there was no requirement to have a solid board fence. Furthermore, she indicated that the existing pool pump and air conditioner could remain in place regardless of the result of the

application in question and that the Pool By-law requires a fence but does not specify the material that the fence be made of.

Mr. P. Reginato indicated that the shed complied with relevant By-laws when it was built and when the house was purchased. He also said the fence is structurally sound and he did not want to change it as By-law requirements indicate he must have a fence because of the pool. He indicated he would work with the City no matter what is suggested and is willing to work to resolve the issue of water drainage. Finally, he indicated he believed it did meet the definition of the minor variance and offered an apology to Mr. D. Kendrick for any inconvenience he may have caused.

No members of the public spoke in support or opposition to 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 M. Bosch
Seconded by S. Dykstra

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 4.5.1.2 Zoning By-law (1995)-14864, as amended, for 51 Vanier Drive, to permit an accessory structure 0.0 metres from the right side lot line, when the By-law requires that accessory structures be situated a minimum of 0.6 metres from any lot line, be APPROVED, subject to the following condition:

1. That the owner adjusts the roof line so that water runoff drains on the applicant's property to the satisfaction of the Chief Building Official.

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

Member D. Kendrick returned at 4:57 pm.

Member L. Janis left for the remainder of meeting at 4:57 pm.

Application: A-12/16
Owner: Landlink Inc.
Agent: Stephen Berrill, Architectural Design Associations Inc. Architect
Location: 943 Woodlawn Road West
In Attendance: Stephen Berrill

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

Mr. S. Berrill provided a brief overview of the application and indicated that he spoke to staff at Guelph Hydro and submitted further drawings but had not yet heard a response following that communication.

The members had no questions for the agent.

No members of the public spoke in support or opposition to 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 P. Ross

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.13.2.3 of Zoning By-law (1995)-14864, as amended, for 943 Woodlawn Road West,

- a) to permit an uncovered parking area to be located 2.4 metres from the street line at Woodlawn Road West, when the By-law requires that an uncovered parking area to be located within any yard in the Service Commercial Zone, provided that no part of a parking space is located closer than 3 metres to any street line, and
- b) to permit an uncovered parking area to be located 2.7 metres from the street line at Michener Road, when the By-law requires that an uncovered parking area to be located within any yard in the Service Commercial Zone, provided that no part of a parking space is located closer than 3 metres to any street line;

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 and drainage and servicing to the satisfaction of the General Manager of Planning Services and the General Manager/City Engineer, prior to the issuance of site plan approval. 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 make arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the possible relocation of the existing padmount transformer. This 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 meeting room at 5:00 pm. Due to the absence of the Chair and Vice-Chair, an Acting Chair was appointed.

Moved by P. Ross
Seconded by M. Bosch

That member D. Kendrick be appointed Acting Chair in the absence of Chair B. Birdsell and Vice-Chair K. Ash.

CARRIED

Application: A-13/16
Owner: Garth Bigelow
Agent: Rowan Weir, Rowan's Carpentry & Renovations
Location: 14 Schiedel Drive
In Attendance: Rowan Weir

Acting Chair D. Kendrick questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. R. Weir, agent, replied that the sign was posted and comments were received.

Mr. R. Weir explained the application to the Committee.

In response to a question from member M. Bosch, Mr. R. Weir indicated there were two separate access points into the accessory apartment.

No members of the public spoke in support or opposition to 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 P. Ross

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7 Rows 1 and 12 of Zoning By-law (1995)-14864, as amended, for 14 Schiedel Drive,

- a) to permit a right side yard setback of 0.5 metres for the uncovered porch, when the By-law requires a minimum setback of 0.6 metres between an uncovered porch and the nearest lot line, and
- b) to permit a right side yard setback of 0.5 metres for the exterior staircase, when the By-law requires a minimum setback of 0.6 metres between exterior stairs and the nearest lot line;

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

- 1. That the variances only apply to the uncovered porch and exterior staircase as shown on the Public Notice associated with this application.
- 2. That the uncovered porch shall not be covered or enclosed.

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 at 5:05 pm and assumed the role of Chair.

Application: B-12/16
Owner: Jozef Mrowca and Anna Banasik-Mrowca
Agent: Jeff Buisman, Van Harten Surveying Inc.
Location: 14 Forbes Avenue
In Attendance: Jeff Buisman
Anna Banasik-Mrowca
Eve Claxton
Shawn Marsh
Uta Kayser
Sheila O'Reilly
Natalina Rinaldi

Secretary-Treasurer T. Di Lullo noted that correspondence was received from Old University Neighbourhood Residents' Association in support of the application. A copy of the correspondence was provided to the members.

Secretary-Treasurer T. Di Lullo noted that one of the two signs posted on the property was removed for a period of time but was replaced.

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. Buisman, agent, replied that the signs were posted and one was reposted, and that comments were received.

Mr. J. Buisman explained application to the Committee.

Ms. N. Rinaldi, resident at 16 Forbes Avenue, showed a photo of the subject property and suggested that it was a highly recognizable corner and landmark in the City. She mentioned that any future dwelling would block the view of existing structure. Ms. N. Rinaldi indicated she was upset that her neighbour never discussed plans to sever the lot and that she has submitted a letter in opposition to the application. She described the ways in which the existing house on 14 Forbes qualified for Heritage designation.

Ms. S. O'Reilly, resident in the area, suggested that if the application was approved it would seem to be irrelevant because the subject property is within the Brooklyn and College Hill Heritage Conservation District. Furthermore, she indicated that the agent for the owners had failed to mention the concern expressed by the neighbours relating to the proposed application.

Uta Keyser, resident at 27 Forbes Avenue, expressed concerns about what was going to be built on the property once it was severed and suggested that the application should be refused because the property in question is a landmark property with significant heritage value.

In response to a question from member M. Bosch, Planner L. Sulatycki replied that the property is located within the Brooklyn and College Hill Heritage Conservation District and subject to Part 5 of the Ontario Heritage Act and is required to get a heritage permit approved by Council.

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 severance of Registered Plan 37, Lot 2 and Part Lot 1, to be known municipally as 12 Forbes Avenue, a parcel with frontage along Forbes Avenue of 19.3 metres, a depth of 40.3 metres, and an area of 777.8 square metres, be **APPROVED**, subject to the following conditions:

1. That prior to endorsonation of the deeds, the owner shall pay to the City, the watermain frontage charge of \$8.00 per foot for 63.32 feet (19.30 metres) of frontage on Forbes Avenue.
2. That prior to endorsonation of the deeds, the owner should remove and/or relocate the portion of the existing hedge-row from the Forbes Avenue and Fairview Boulevard right-of-way to the property line; and pays all of the costs associated with the removal and/or relocation of the portion of the existing hedge-row that encroaches on the Forbes Avenue and Fairview Boulevard right-of-way; or if the owner wishes to keep the portion of the existing hedge-row in its present location, we request that the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of the existing hedge-row on the Forbes Avenue and Fairview Boulevard right-of-way, prior to endorsonation of the deeds.

3. That the owner pays the actual cost of constructing new sanitary and water service laterals to the severed lands including the cost of any curb cuts or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
4. That prior to the issuance of a building permit, the owner shall pay the flat rate charge established by the City, to be applied to tree planting for the proposed severed lands.
5. 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.
6. 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.
7. That the owner enters into a Storm Sewer Agreement with the City, satisfactory to the General Manager/City Engineer, prior to endorstation of the deeds.
8. 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.
9. The owner agrees to install sump pumps for the foundation drain; furthermore, all sump pumps must be discharged to the rear yard.
10. 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 a building permits.
11. 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 a building permit.
12. 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.
13. That the owner shall 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, 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.

14. 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. 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;
 - iii. The location of the new dwelling; and,
 - iv. Grading, drainage and servicing information.
15. That the Tree Preservation Plan shall be approved to the satisfaction of the General Manager of Planning, Urban Design and Building Services prior to issuance of building permit.
16. That prior to the endorsement of the deeds, the applicant shall remove the breezeway connection to the satisfaction of the Chief Building Official or his designate.
17. That prior to the endorsement of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.
18. 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).
19. 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.
20. That prior to issuance of a building permit, the applicant makes arrangements for provision of hydro servicing to the severed parcel, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the applicant's expense.

21. 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.
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.

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-14/16
Owner: Ed Vander Veen and Anna Vander Veen
Agent: Jeff Buisman, Van Harten Surveying Inc.
Location: 18 Oriole Crescent
In Attendance: Jeff Buisman
Ed Vander Veen
Colin Vanderwoerd

Secretary-Treasurer T. Di Lullo noted that correspondence was received from Old University Neighbourhood Residents' Association in support of the application. A copy of the correspondence was provided to the members.

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. Buisman, agent, replied that the sign was posted and comments were received.

Mr. J. Buisman outlined the application and expressed concern about the costs associated with the Tree Preservation Plan and asked that the condition requiring the Tree Preservation Plan be removed.

In response to questions from member S. Dykstra, Planner L. Sulatycki showed pictures of the property and pointed to several trees on the neighbouring property which could be affected by the proposed addition. Planner L. Sulatycki explained that if damage was done to nearby trees it would contravene the Forestry Act. She said that the condition relating to a Tree Preservation Plan is standard as per Official Plan Amendment 42, which contains direction to grow the City's tree canopy.

Member S. Dykstra suggested that, due to the number of trees, a Tree Preservation Plan will help avoid any future problems for the property owner and neighbour.

Mr. J. Buisman said the owner wants to build the addition the correct way but was frustrated by the high cost. He further indicated that the Tree Preservation Plan might not be needed based on his understanding of the Official Plan. Planner L. Sulatycki mentioned other sections of the Official Plan that Mr. J. Buisman did not reference do require tree preservation.

Member M. Bosch remarked that the tree trunks in question might not be located on the subject property.

No members of the public spoke in support or opposition to 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 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 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 18 Oriole Crescent, to permit a right side yard of 1.1 metres for the proposed garage addition, when the By-law requires for a single detached dwelling in a R.1B zone, not exceeding two storeys in height, a minimum side yard of 1.5 metres, be **APPROVED**, subject to the following conditions:

1. That the variance applies to only the right side yard setback in general accordance with the sketch provided in the Public Notice.
2. That the garage addition be limited to one (1) storey in height.
3. That the applicant shall prepare and submit a Tree Preservation Plan to the satisfaction of the General Manager of Planning, Urban Design and Building Services prior to issuance of building permit.

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-15/16
Owner: Wendy Gruner
Agent: N/A
Location: 34 Robinson Avenue
In Attendance: Wendy Gruner
Britney Oostinga
Ashlene Vilistus

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. W. Gruner, owner, replied that the sign was posted and comments were not received.

Ms. W. Gruner provided a brief overview of the application and reviewed the staff comments.

The members had no questions for the applicant or staff.

No members of the public spoke in support or opposition to 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 D. Kendrick
Seconded by P. Ross

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 34 Robinson Avenue, to permit a right side yard of 1.0 metres for the proposed rear addition to the existing dwelling, when the By-law requires for a single detached dwelling in a R.1B zone, not exceeding two storeys in height, a minimum side yard of 1.5 metres, be **APPROVED**, subject to the following conditions:

1. That the addition be limited to one (1) storey in height.
2. That the variance applies to only the right side yard setback in general accordance with the sketch provided in the Public Notice.

3. That the applicant shall prepare and submit a Tree Preservation Plan to the satisfaction of the General Manager of Planning, Urban Design and Building Services prior to issuance of building permit.

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-16/16
Owner: Michael Oosterveld and Jennifer MacDonald
Agent: N/A
Location: 12-16 Eramosa Road and 161 Arthur Street North
In Attendance: Michael Oosterveld
Marcel Schlaf
Jacqueline Riddell
Justin Corstorphine
Mike Marcolongo

Secretary-Treasurer T. Di Lullo noted that correspondence was received from Ms. J. Riddell, owner of Sixpence Bridal Studio, with a letter of support from S. Corstorphine and D. Clancy as well as a copy of a petition in support of the application.

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

Mr. M. Oosterveld introduced Ms. J. Riddell, owner of Sixpence Bridal Studio, and provided a historical overview of property and showed elevation photos of the original and renovated building.

Member M. Bosch referenced that staff comments indicated the application was beyond the scope of the Committee and that a Zoning By-law Amendment and possibly an Official Plan Amendment was required. Planner L. Sulatycki said that the property is currently zoned R.1B with legal non-conforming and legal non-complying statuses. Planner L. Sulatycki said that during pre-consultation the applicant was advised they required a Zoning By-law Amendment and recommended that the application be refused as it does not meet all four tests and requires a rezoning.

In response to a question from member S. Dykstra, Mr. M. Oosterveld explained that he did not apply for a rezoning as he felt the nature of the business was within the existing zoning as similar to a home-based business other than the fact that the proprietor was not living there. Planner L. Sulatycki explained that home occupations are only permitted in single

detached dwellings. In response to questions from member S. Dykstra, Mr. M Oosterveld said he did not want to go through a rezoning because he does not believe it will be easy to attract and retain commercial tenants in the other units.

Member S. Dykstra asked if a temporary use could be granted in order to permit the proposed use. Planner L. Sulatycki cautioned that if the Committee wished to approve the application on a temporary basis, it would still need to meet all four tests.

In response to a question from member P. Ross, Planner L. Sulatycki indicated she was not sure of the scope of the Zoning By-law review and if it would examine this property specifically, but she indicated that the Official Plan designation for the property is General Residential so the intent of the Official Plan is to have residential uses. In response to a question from member P. Ross, Mr. M. Oosterveld said the cost of rezoning may be prohibitive amid the risk it may not be approved.

Mr. M. Marcolongo, resident on Mitchell Street, indicated support for the application and outlined reasons why he believed it met the four tests. He showed historical photos of area, and provided minutes from a similar decision in the area in 2011 (File A-44/11) for the Committee's reference.

Mr. M. Schlaf, resident on Arthur Street, stated he supported the application, and remarked that the owner had greatly improved the property. He said he was concerned about parking due to lack of parking in the neighbourhood, but understood that the owner had made arrangements with the City, and that the parking demands would not be high based on the proposed use. He indicated that he was not in favour of rezoning the property commercial as residents would not be assured what specific businesses would be established.

In response to a question from member Dykstra, Mr. M. Oosterveld replied that he has made parking arrangements for tenants in the municipal parking lot across the street.

Member S. Dykstra commented that the existing zoning does not match the buildings currently on the site. He stated that the intent of his motion to approve the application for a period of three years is so that the applicant has time to pursue a rezoning that reflects the uses and buildings on the site. He stated due to the history of the property, he felt it met the four tests.

In response to questions from member D. Kendrick, Planner L. Sulatycki stated the planning staff recommendation is for refusal as Zoning By-law Amendment is required and it does not meet the four tests. She stated that when staff recommend approval on a temporary basis it is when the application has met the four tests as well. Member D. Kendrick stated that he would not support the application as staff has stated it is beyond the Committee's scope.

Member M. Bosch stated he would also not support the application and he felt the Committee did not have the jurisdiction.

Due to a tie vote, Chair B. Birdsell voted in favour of the motion as he felt this property represented a unique situation that had been overlooked by the City and the small nature of the proposal fits the intent 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 S. Dykstra
Seconded by P. Ross

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Sections 4.13.4.2 and 5.1.1 of Zoning By-law (1995)-14864, as amended, for 12-16 Eramosa Road and 161 Arthur Street North,

- a) to permit a personal service establishment as an additional permitted use on the property, when the By-law permits a variety of uses in the R.1B zone, but does not permit a personal service establishment, and
- b) to permit a total of two (2) off-street parking spaces for the personal services establishment, residential uses, and single detached dwelling, when the By-law requires that a personal service establishment provide one (1) parking space per 16.5 square metres of gross floor area; an apartment building provide one and a half (1.5) parking spaces per unit for the first 20 units; and a single detached dwelling provide 1 (1) parking space [total of 13 parking spaces required for all proposed uses on the property];

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

1. That the additional permitted use of a personal service establishment (dress making shop) be permitted for three years and be limited to a total of 46 square metres.
2. That prior to the issuance of a building permit, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of the main building, overhang and associated peripherals that encroach on the Eramosa Road and Arthur Street right-of-way.

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-13/16
Owner: University of Guelph
Agent: Matt Robson, Reid's Heritage Homes Ltd.
Location: Victoria Road South
In Attendance: Matt Robson

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

Planner L. Sulatycki indicated that staff and the applicant have been in discussions and that staff are no longer recommending deferral as a condition has been proposed to deal with the Environmental Impact Report Addendum.

Mr. M. Robson explained the purpose of the application.

In response to a question from member S. Dykstra, Mr. M. Robson stated the purpose of the easement is for a storm sewer and minor overland flow.

Secretary-Treasurer T. Di Lullo noted that if the application is approved, the four standard Committee of Adjustment conditions should be included.

No members of the public spoke in support or opposition to 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 P. Ross
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 Concession 8, Part Lot 2, former Township of Puslinch (Victoria Road South), an easement with frontage along Victoria Road South of 20.2 metres and a depth of 15.7 metres, as described on a sketch by Stantec Geomatics Ltd., dated January 22, 2016, project no. 16031133902, to allow for the creation and maintenance for a storm sewer lateral for the benefit of 781 Victoria Road South, be **APPROVED**, subject to the following conditions:

1. That the owner deeds to the City free of all encumbrances a 3.0-metre (9.84 feet) wide parcel of land for a road widening across the University of Guelph lands, (Part of Lot 2, Concession 8, (Geographic Township of Puslinch), Part 1, Reference Plan 61R-4398), City of Guelph, as shown as Part 1, on the attached Draft 61R-***** Reference Plan dated January 22, 2016, prior to endorstation of the deeds.
2. That prior to endorstation of the deeds, the servient tenement lands (University of Guelph lands, Part of Lot 2, Concession 8, (Geographic Township of Puslinch), Part 1, Reference Plan 61R-4398), City of Guelph, grants a storm sewer easement approximately 20.183-metres (66.22 feet) along Victoria Road and a depth of approximately 15.710-metres (51.54 feet), in perpetuity, registered on title, in favour of the dominant tenement lands (781 Victoria Road South, Part of Lot 2, Concession 8, (Geographic Township of Puslinch), Part 1, Reference Plan 61R-20556), City of Guelph,) for the creation and maintenance of a storm sewer lateral.

3. The details and size of the storm sewer easement be reviewed and approved in the Environmental Impact Report (EIR) Addendum to the satisfaction of the City Environmental Planner and City Engineering prior to the endorsement of the deeds.
4. 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.
5. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
6. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
7. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.

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

Other Business

Secretary-Treasurer T. Di Lullo noted that an appeal to the Ontario Municipal Board regarding the minor variance for accessory apartment size at 202 Glasgow Street North (File A-7/16) was received from a resident on March 2, 2016.

Member D. Kendrick asked that the members be provided with copies of OMB decisions when available. Secretary-Treasurer T. Di Lullo responded that this information can be provided to the Committee.

Member P. Ross asked if it was possible to provide the dates and times of OMB hearings to the members. Secretary-Treasurer T. Di Lullo noted it is recommended that members not attend OMB hearings and hearing information is publicly available on the OMB's website.

Adjournment

Moved by D. Kendrick
Seconded by S. Dykstra

THAT the hearing of the Committee of Adjustment be adjourned at 6:26 p.m.

CARRIED

B. Birdsell
Chair

T. Di Lullo
Secretary-Treasurer