

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday January 10, 2012 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

B. Birdsell
R. Funnell
J. Andrews
L. McNair – Chair
D. Kelly, Vice-Chair

Regrets: J. Hillen
A. Diamond

Staff Present: R. Kostyan, Planner
K. Fairfull, Secretary-Treasurer
M. Bunnett, Assistant Secretary-Treasurer

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Meeting Minutes

Moved by B. Birdsell and seconded by D. Kelly,

“THAT the Minutes from the December 13, 2011 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

Other Business

Election of Chair and Vice-Chair for 2012

The Secretary-Treasurer asked if there were any nominations from the floor for Chair of the Committee of Adjustment for 2012.

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

“THAT L. McNair be nominated as Chair for the Committee of Adjustment for the year 2012.”

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Chair L. McNair accepted the nomination.

There were no further nominations.

The Chair L. McNair was elected by acclamation.

The Secretary-Treasurer asked if there were any nominations from the floor for Vice-Chair of the Committee of Adjustment for 2012.

Moved by Ray Funnell and Jim Andrews,

“THAT D. Kelly be nominated as Vice-Chair for the Committee of Adjustment for the year 2012.”

Committee member D. Kelly accepted the nomination.

There were no further nominations.

The Vice-Chair D. Kelly was elected by acclamation.

The Secretary-Treasurer advised the Ontario Municipal Board has scheduled an appointment for hearing for Applications A-86/11 for 27 Westra Drive and A-87/11 for 29 Westra Drive. The hearing has been scheduled for Wednesday February 8, 2012 for one day.

The Secretary-Treasurer also advised the Ontario Municipal Board has scheduled an appointment for a hearing for Application A-83/11 for 12 Balfour Court. The hearing has been scheduled for Wednesday February 29, 2012 for one day.

The Secretary-Treasurer also advised the Ontario Municipal Board decided to adjourn, sine die, Application A-74/11 for 25 Ervin Crescent. The Board commented that this situation is similar to that of 61 Rickson Avenue, which was dealt with in September 2010 (and which the Board adjourned sine die), in that the position of the appellant could be impacted by:

- 1) the outcome of the decision on 387 Ironwood Road, if it addresses the interpretation of “new” accessory apartment in the ICB (this decision has not yet been released); or
- 2) the outcome of the appeals to By-law Number (2010)-19076 – for example, in this case, if the By-law is upheld, the proposed accessory apartment would comply (i.e. since it proposed a total of 5 bedrooms (rather than 6 or more) and is therefore not captured by the separation distance)

Based on all of the information, the Board adjourned the appeal sine die. The matter can be brought back to a hearing by the appellant on 45 days notice by the appellant to the City and the Board. The Board did not hear any evidence in this matter.

Application: B-3/12 and B-4/12

Owner: B-3/12: Home Depot Holdings
B-4/12: Calloway Reit (Guelph) Inc.

Agent: Calloway Reit (Guelph) Inc.

Location: 63 and 49 Woodlawn Road West

In Attendance: Emily Edmunds

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. Edmunds replied the notice signs were posted and comments were received from staff. She advised they acted on direction of the Site Plan Committee during their review of the development of 49 Woodlawn Road, West that an internal driveway be provided between 49 and 63 Woodlawn Road, West. She advised the entranceway has been constructed but is cordoned off until approval is received for the mutual rights-of-way.

Application Number B-3/12

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

Moved by R. Funnell seconded by B. Birdsell,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for a right-of-way over Part of Lots 3 and 4, Registered Plan 169, identified as Parts 1, 2 and 3 on draft Reference Plan prepared by Van Harten Surveying Inc., known as project No. 19868-11 dated October 18, 2011, being part of the lands associated with 63 Woodlawn Road West, a right-of-way with a width between 7 metres and 7.988 metres for a connected internal roadway in favour of 49 Woodlawn Road West, be approved, subject to the following conditions:

1. That prior to endorsonation of the deeds, the servient tenement (63 Woodlawn Road, West (Part of Lots 3 and 4, Registered Plan 169), being Parts 1, 2 and 3 on draft Reference Plan 61R-****), grants an access right-of-way approximately 7.988-metres (26.21 feet) to approximately 11.665-metres (38.27 feet) by a length of approximately 30.537-metres (100.19 feet), registered on title, in favour of the dominant tenement (49 Woodlawn Road, West (Part of Lot 4, Registered Plan 169),

being Part 4 on the draft Reference Plan 61R-*****), for an internal roadway connection/access.

2. That prior to endorsation of the deeds, the owner's solicitor of 63 Woodlawn Road, West (Part of Lots 3 and 4, Registered Plan 169), being Parts 1, 2 and 3 on draft Reference Plan 61R-***** certifies that the access right-of-way in favour of 49 Woodlawn Road, West (Part of Lot 4, Registered Plan 169), being Part 4 on the draft Reference Plan 61R-*****), has been granted and registered on title.
3. That prior to endorsation of the deeds, the owner of 63 Woodlawn Road, West (Part of Lots 3 and 4, Registered Plan 169), being Parts 1, 2 and 3 on draft Reference Plan 61R-***** shall have an Ontario Land Surveyor prepare a reference plan identifying the access right-of-way.
4. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to January 13, 2013.
5. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
6. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
7. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Application Number B-4/12

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

Moved by R. Funnell seconded by B. Birdsell,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for a right-of-way over Part of Lot 4, Registered Plan 169, identified as Part 4 on draft Reference Plan prepared by Van Harten Surveying Inc., known as project No. 19868-11 dated October 18, 2011, being part of the lands associated with 49 Woodlawn Road West, a right-of-way with a width between 7 metres and 7.988 metres for a connected internal roadway in favour of 63 Woodlawn Road West, be approved, subject to the following conditions:

1. That prior to endorsation of the deeds, the servient tenement (49 Woodlawn Road, West (Part of Lot 4, Registered Plan 169), being Part 4 on the draft Reference Plan 61R-*****) , grants an access right-of-way approximately 7.00-metres (22.97 feet) to approximately 11.665-metres (38.27 feet) by a length of approximately 66.144-metres (217.01 feet), registered on title, in favour of the dominant tenement (63 Woodlawn Road, West (Part of Lots 3 and 4, Registered Plan 169), being Parts 1, 2 and 3 on draft Reference Plan 61R-*****) , for an internal roadway connection/access.
2. That prior to endorsation of the deeds, the owner’s solicitor of 49 Woodlawn Road, West (Part of Lot 4, Registered Plan 169), being Part 4 on the draft Reference Plan 61R-*****) certifies that the access right-of-way in favour of 63 Woodlawn Road, West (Part of Lots 3 and 4, Registered Plan 169), being Parts 1, 2 and 3 on draft Reference Plan 61R-*****) , has been granted and registered on title.
3. That prior to endorsation of the deeds, the owner of 49 Woodlawn Road, West (Part of Lot 4, Registered Plan 169), being Part 4 on the draft Reference Plan 61R-*****) shall have an Ontario Land Surveyor prepare a reference plan identifying the access right-of-way.
4. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to January 13, 2013.
5. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
6. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.

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

Carried

Application: A-5/12

Owner: The Roman Catholic Episcopal Corporation of the Diocese

Agent: Paul J. Bolland Architect

Location: 171 Emma Street

In Attendance: Paul Bolland
Sandy Halloran

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

Mr. Bolland replied the notice signs were posted and comments were received from staff. He explained the church was constructed in 1971 and request is being submitted to construct a one storey office addition. He noted there was one resident concerned with the parking on the property. He advised they require 120 parking spaces and will be providing 140 spaces after the addition is constructed.

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

Moved by J. Andrews seconded by D. Kelly,

"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 8.2 Row 4 of Zoning By-law (1995)-14864, as amended, for 171 Emma Street, to permit a 212 square metre (2,281.9 square foot) one storey addition be setback 33.14 metres (108.72 feet) from Renfield Street when the By-law requires a maximum front and exterior side yard of 20 metres (65.61 feet), be approved, subject to the following condition:

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 buildings, landscaping, parking, circulation, 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 shall develop the said lands in accordance with the approved site plan."

Carried

Application: B-7/12, A-8/12 and A-9/12

Owner: Monte Cirotto Real Estate Ltd. / Kathleen Cirotto

Agent: Van Harten Surveying Inc.

Location: 43 and 51 Stevenson Street North

In Attendance: Jeff Buisman
Monte Cirotto

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

Mr. Buisman replied the notice signs were posted and comments were received from staff. He noted Mr. Cirotto received approval for severance however when the survey work was completed it was discovered a portion of 51 Stevenson Street, North was located on the adjacent property. As a result, an application for severance as a lot addition has been submitted along with a request for a maintenance easement, which was a suggestion from staff.

There were not questions from the members of the Committee.

Application Number B-7/12

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. Kelly seconded by B. Birdsell,

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 38, Registered Plan 230 (Part 5 on a draft Reference Plan prepared by Van Harten Surveying Inc., project no. 19861-11, dated November 8, 2011), 43 Stevenson Street North, a parcel, irregular in shape, with an area of 16.6 square metres, as a lot addition to 51 Stevenson Street North, along with a maintenance easement (Part 7 on a draft Reference Plan prepared by Van Harten Surveying Inc., project no. 19861-11, dated November 8, 2011), with a width of 1.2 metres in favour of 51 Stevenson Street North, to allow for maintenance of the building wall and retaining wall, be approved, subject to the following conditions:

1. That the proposed severed parcel of land be conveyed to the abutting owner as a lot addition only (Form 3 Certificate).
2. That the following covenant is incorporated in the deed:
"The conveyance of (Severed Lands - legal description - Lot and Plan), City of Guelph, County of Wellington, designated as (Part and 61R-Plan Number) as a lot addition only to (Legal Description of Lands to be joined with - Lot and Plan), and shall not be conveyed as a separate parcel from (Legal Description of Lands to be joined with - Lot and Plan)."
3. That prior to endorsation of the deeds, the servient tenement (43 Stevenson Street, Part of Lot 38, Registered Plan 230, Part 4 on the draft reference plan 61R-*****), grants a maintenance easement with a width of approximately 1.20-metres (3.94 feet) wide by a depth of approximately 27.946-metres (91.69 feet), for the maintenance of the building wall and retaining wall of 51 Stevenson Street, registered on title, in favour of the dominant tenement (51 Stevenson Street, Part of Lot 38, Registered Plan 230, Part 2 on the draft reference plan 61R-*****).
4. That prior to endorsation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the severed parcel and the maintenance easement.
5. That prior to endorsation of the deeds, the owner's solicitor certifies that the maintenance easement, in favour of the dominant tenement (51 Stevenson Street, Part of Lot 38, Registered Plan 230, Part 2 on the draft reference plan 61R-*****), has been granted and registered on title.
6. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to January 13, 2013.

7. 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.
8. 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.
9. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Application Number A-8/12

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. Kelly and seconded by B. Birdsell,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 51 Stevenson Street North, to permit a right side yard of 0.19 metres (0.62 feet) after conveyance from Application B-7/12 when the By-law requires a minimum side yard of 1.5 metres (4.92 feet), be approved, subject to the following condition:

1. That the conditions imposed for application B-7/12 be and form part of this approval."

Carried

Application Number A-9/12

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. Kelly seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 4 and 7 of Zoning By-law (1995)-14864, as amended, for 43 Stevenson Street North, to permit a left side yard of 1.10 metres (3.6 feet) when the By-law requires a minimum side yard of 1.5 metres (4.92 feet) and to permit a lot frontage of 11.9 metres (39.04 feet) measured at the setback line, when the By-law requires a minimum lot frontage of 15 metres (49.2 feet), be approved, subject to the following condition:

1. That the conditions imposed for application B-7/12 be and form part of this approval.”

Carried

Application: B-1/12 and B-2/12

Owner: Helmuth Slisarenko / Gertrude Johnson

Agent: Astrid J. Clos Planning Consultant

Location: B-1/12: 1475-1483 Gordon Street
B-2/12: 1499 Gordon Street

In Attendance: Sam Johnson
Astrid Clos

The Secretary-Treasurer advised sign posting was not required for this application.

Chair L. McNair questioned if staff recommendations were received.

Ms. Clos replied the staff recommendations were received. She advised it is taking additional time to complete the technical reports required to finalize the proposal and as such additional time is needed.

Application Number B-1/12

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

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

Moved by J. Andrews seconded by D. Kelly,

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission for change of condition for consent for severance of Part of Lots 2 and 3, Registered Plan 74, municipally known as 1475-1483 Gordon Street, a parcel (Parts 3 and 7) with a frontage along Gordon street of 6.6 metres and an area of 167 square metres, as a lot addition to 1499 Gordon Street, subject to a right-of-way over Part 7 with a frontage along Gordon Street of 3 metres in favour of 1475-1483 Gordon Street and together with a right-of-way over Part 2 with a frontage along Gordon Street of 7 metres in favour of 1499 Gordon Street, to be utilized as a mutual access to Gordon Street, be approved, subject to the following conditions:

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

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

3. That prior to endorsation of the deeds, the servient tenement (1475-1483 Gordon Street), grants an easement with a width of approximately 7.00-metres (22.97 feet) by a depth of approximately 45.69-metres (149.90 feet) (Parts 2 and 5), for a mutual right-of-way for access to Gordon Street, registered on title, in favour of the dominant tenement (1499 Gordon Street).
4. That prior to endorsation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the severed parcel and the easement.
5. That prior to endorsation of the deeds, the owner's solicitor certifies that the easement, in favour of 1499 Gordon Street, has been granted and registered on title, in perpetuity.
6. That the owner of 1475-1483 Gordon Street shall pay the actual costs associated with the closure of the existing driveway entrances within the Gordon Street right-of-way, with the estimated cost of the works as determined necessary by the City Engineer being paid, at the time of any future redevelopment of the property.

7. That prior to the endorsation of deeds the zoning of the severed and retained parcels be amended so that the resultant parcel to be known as 1475-1483 Gordon Street (parts 1, 2, 4 & 5 on the severance sketch) is zoned to permit the existing uses and the resultant parcel to be known as 1499 Gordon Street (parts 3, 6, 7 & 8 on the severance sketch) is zoned to permit future development.
8. That an access easement having a minimum width of 7.0m be granted over the southerly portion of the lands in favour of 1499 Gordon Street.
9. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to close any existing driveways not located within the mutual access easement at the time of the future redevelopment of the parcel.
10. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to January 13, 2012.
11. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
12. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
13. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Application Number B-2/12

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

Moved by J. Andrews seconded by D. Kelly,

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 2, Registered Plan 74, municipally known as 1499 Gordon Street, a parcel (Parts 4 and 5) with an area of 554 square metres, as a lot addition to 1475-1483 Gordon Street, subject to a right-of-way over Part 5 with a width of 7 metres in favour of 1499 Gordon Street and together with a right-of-way over Part 7 with a frontage along Gordon Street of 3 metres in favour of 1475-1483 Gordon Street, to be utilized as a mutual access to Gordon Street, be approved, subject to the following conditions:

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

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

3. That prior to endorsation of the deeds, the servient tenement (1475-1483 Gordon Street), grants an easement with a width of approximately 7.00-metres (22.97 feet) by a depth of approximately 45.69-metres (149.90 feet) (Parts 2 and 5), for a mutual right-of-way for access to Gordon Street, registered on title, in favour of the dominant tenement (1499 Gordon Street).
4. That prior to endorsation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the severed parcel and the easement.
5. That prior to endorsation of the deeds, the owner's solicitor certifies that the easement, in favour of 1499 Gordon Street, has been granted and registered on title, in perpetuity.
6. That the owner of 1475-1483 Gordon Street shall pay the actual costs associated with the closure of the existing driveway entrances within the Gordon Street right-of-way, with the estimated cost of the works as determined necessary by the City Engineer being paid, at the time of any future redevelopment of the property.
7. That prior to the endorsation of deeds the zoning of the severed and retained parcels be amended so that the resultant parcel to be known as 1475-1483 Gordon Street (parts 1, 2, 4 & 5 on the severance sketch) is zoned to permit the existing uses

and the resultant parcel to be known as 1499 Gordon Street (parts 3, 6, 7 & 8 on the severance sketch) is zoned to permit future development.

8. That an access easement having a minimum width of 3.0m be granted over the northerly portion of the lands in favour of 1475-1483 Gordon Street.
9. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to close any existing driveways not located within the mutual access easement at the time of the future redevelopment of the parcel.
10. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to January 13, 2012.
11. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
12. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
13. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Application: B-6/12 and A-7/12

Owner: Vance Wright Construction Limited

Agent: Black, Shoemaker, Robinson, Donaldson Ltd.

Location: 106 Sunnylea Crescent

In Attendance: Bruce Donaldson

Vance Wright

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

Mr. Donaldson replied the notice sign was posted and comments were received from staff. He explained the owners proposes to construct an apartment building on the subject property and has requested consent for right-of-way over Part 3 to recognize an existing driveway serving 99 Sunnylea Crescent and consent for sanitary sewer connection over Part 6 for 100 Sunnylea Crescent along with a side yard variance on the northwest side of the property to accommodate a vestibule. He explained when the site plan was being reviewed by staff they suggested the entrance to the building be enlarged resulting in the variance being necessary.

Application Number B-6/12

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

Moved by R. Funnell seconded by B. Birdsell,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for easements and right-of-way over 106 Sunnylea Crescent, being,

- a) an easement over Part of Lot 29, Registered Plan 528 (Part 6 on a draft Reference Plan prepared by Black, Shoemaker, Robinson & Donaldson Ltd., project no. 00-3313-12, dated January 7, 2011), an easement with a width of 3.05 metres which runs along the right side lot line, for protection of an existing storm sewer lateral serving 100 Sunnylea Crescent,
- b) an easement over Part of Lot 28, Registered Plan 528 (Part 3 on a draft Reference Plan prepared by Black, Shoemaker, Robinson & Donaldson Ltd., project no. 00-3313-12, dated January 7, 2011), an easement with a width of 8.409 metres and an area of 48.2 square metres, for protection of an existing watermain serving 99 Sunnylea Crescent,
- c) a right-of-way over Part of Lot 28, Registered Plan 528 (Part 2 on a draft Reference Plan prepared by Black, Shoemaker, Robinson & Donaldson Ltd., project no. 00-3313-12, dated January 7, 2011), a right-way with a width along Sunnylea Crescent of 2.096 metres and an area of 8.5 square metres, to recognize an existing driveway serving 99 Sunnylea Crescent,

be approved, subject to the following conditions:

1. That prior to endorsation of the deeds, the servient tenement (106 Sunnylea Crescent, Part of Lots 28 and 29, Registered Plan 528), being Part 3 on the site plan, grants an easement approximately 4.22-metres (13.85 feet) to approximately 8.409-metres (27.59 feet) wide by approximately 5.15-metres (16.90 feet) to approximately 15.00-metres (49.21 feet) long, along Sunnylea Crescent and along the left side lot line, registered on title, in favour of the dominant tenement (99 Sunnylea Crescent, Part of Lot 28, Registered Plan 528, for the protection of an existing 38mm water, 150 storm and 150 sanitary laterals.
2. That prior to endorsation of the deeds, the servient tenement (106 Sunnylea Crescent, Part of Lots 28 and 29, Registered Plan 528), being Part 6 on the site plan, grants an easement approximately 3.05-metres (10.00 feet) wide by approximately 15.343-metres (50.34 feet) to approximately 21.37-metres (70.11 feet) long, along Sunnylea Crescent and the right side lot line, registered on title, in favour of the dominant tenement (100 Sunnylea Crescent, Part of Lot 29, Registered Plan 528, for the protection of an existing 150mm storm service lateral.
3. That prior to endorsation of the deeds, the servient tenement (106 Sunnylea Crescent, Part of Lots 28 and 29, Registered Plan 528), being Part 2 on the site plan, grants a right-of-way approximately 2.096-metres (6.88 feet) to approximately 2.98-metres (9.78 feet) wide by approximately 2.69-metres (8.83 feet) to approximately 5.15-metres (16.90 feet) long, along Sunnylea Crescent and along the left side lot line, registered on title, in favour of the dominant tenement (99 Sunnylea Crescent, Part of Lot 28, Registered Plan 528, for the protection of an existing driveway.
4. That prior to endorsation of the deeds, the owner's solicitor of 106 Sunnylea Crescent, Part of Lots 28 and 29, Registered Plan 528, certifies that the easement (Part 3) in favour of 99 Sunnylea Crescent, Part of Lot 28, Registered Plan 528, has been granted and registered on title.
5. That prior to endorsation of the deeds, the owner's solicitor of 106 Sunnylea Crescent, Part of Lots 28 and 29, Registered Plan 528, certifies that the easement (Part 6) in favour of 100 Sunnylea Crescent, Part of Lot 29, Registered Plan 528, has been granted and registered on title.
6. That prior to endorsation of the deeds, the owner's solicitor of 106 Sunnylea Crescent, Part of Lots 28 and 29, Registered Plan 528, certifies that the right-of-way (Part 2) in favour of 99 Sunnylea Crescent, Part of Lot 28, Registered Plan 528, has been granted and registered on title.
7. That prior to endorsation of the deeds, the owner of 106 Sunnylea Crescent, Part of Lots 28 and 29, Registered Plan 528, shall have an Ontario Land Surveyor prepare a reference plan identifying the easements and right-of-way.

8. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to January 13, 2013.
9. 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.
10. 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.
11. 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."

Application Number A-7/12

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

Moved by R. Funnell seconded by B. Birdsell,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.4.2 Row 8 of Zoning By-law (1995)-14864, as amended, for 106 Sunnylea Crescent, to permit a 1.94 metre by 2.84 metre (6.36 foot by 9.31 foot) enclosed entry be situate 2.5 metres (8.2 feet) from the right side yard when the By-law requires a minimum side yard of 3 metres (9.84 feet), 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 buildings, landscaping, parking, circulation, 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 shall develop the said lands in accordance with the approved site plan.

2. That prior to issuance of a building permit, the owner make satisfactory arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for servicing the new building via a new underground service.”

Carried

Application: B-5/12

Owner: Donna Cooper / Jean Duffus-Hill

Agent: Roland Holdings Ltd.

Location: 408 Willow Road

In Attendance: None

The Assistant Secretary-Treasurer acknowledged she received correspondence from the applicant requesting the application be withdrawn.

Application: A-10/12

Owner: Lynda Frangos

Agent: Hopewell Children’s Home

Location: 221 Elmira Road South

In Attendance: Stephen Salt
Andreas Krause
Martin VanDam
John Oosterhuis
Melissa Turner

The Assistant Secretary-Treasurer summarized an opposing letter received from a resident at 140 Freshmeadow Way. She advised the Committee had an opportunity to view the letter prior to the application being heard.

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

Mr. M. VanDam, a board member for Hopewell Children's Home, replied the sign was posted and the staff comments were received. He explained the amenity area will not be used much by the group home residents. He further explained the purpose for a respite group home is to provide relief to families with developmentally challenged adult children and noted four to six temporary residents would occupy the dwelling at any time. He noted a meeting was held with the neighbours on January 4, 2012 to address any concerns. He explained they are considering removing the existing second storey deck and to screen the property with fencing to alleviate any privacy issues. He commented parking will not be an issue; the existing driveway can accommodate as many as six vehicles. He continued by commenting that their existing group home on Stephanie Drive has not received any complaints from neighbours. He explained they are prepared to improve the yard area at 221 Elmira Road North and the smaller amenity area will not have an impact for the operation of the respite group home. He continued by describing details of Hopewell Children's Homes.

Chair L. McNair questioned staff if the registration of the accessory apartment will be cancelled once the dwelling is changed to a group home.

Planner R. Kostyan replied this is correct. She further noted the owner can extend the amenity area towards the front if desired but the By-law requirement is to provide the amenity area in the rear yard.

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

Moved by J. Andrews and seconded by B. Birdsell,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.25 Row 4 of Zoning By-law (1995)-14864, as amended, for 221 Elmira Road South, to permit an amenity area of 79 square metres (850.34 square feet) for a six bedroom group home of when the By-law requires a minimum amenity area equal to 12 square metres (129.16 square feet) for each resident (including live-in staff or receiving family) and shall not be less than 100 square metres (1,076.39 square feet), be approved."

Carried

Application: **A-2/12**

Owner: **S & W Developments Inc.**

Agent: Zelinka Priamo Ltd.
Location: 297-299 Eramosa Road
In Attendance: Nancy Reid-Oldbridge
Kevin VanOryen

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

Ms. Nancy Reid replied the sign was posted and they received staff comments. She explained after reading staff comments, they are requesting deferral for February 14, 2012 meeting.

Chair L. McNair questioned if February 28, 2012 meeting would work due to the February 14, 2012 meeting being full already.

Ms. Reid-Oldbridge replied they are in agreement with February 28, 2012 date.

Committee member R. Funnell questioned if the parking report will be brought in to the meeting.

Ms. Reid-Oldbridge replied they are discussing the report at the next site plan meeting and will bring this request to their attention.

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

“THAT Application A-2/12 for S & W Developments Inc. at 297-299 Eramosa Road, be deferred to the February 28, 2012 meeting and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

Application: A-3/12
Owner: Sandra and Alfredo Hernandez
Agent: n/a
Location: 245 Deerpath Drive
In Attendance: Sandra Hernandez
Alfredo Hernandez

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

Ms Hernandez replied the sign was posted but she does not recall seeing the staff comments. After reading through staff comments, she proceeded by explaining the application is for an oversized two bedroom accessory apartment which was built without a building permit.

Committee member R. Funnell questioned whether the owner realizes the apartment is substantially oversized.

Ms. Hernandez replied at the time they did not realize how large the area of the apartment is but explained the basement is very large and a part of the basement is being used for the main unit.

Committee member J. Andrews commented the Zoning By-law limits accessory apartments to 80 square metres.

Ms. Hernandez replied the layout of the basement, especially the bathroom at the rear, makes it hard to design the apartment in any other way.

Planner R. Kostyan commented there are ways to make the apartment smaller. She noted the accessory apartment cannot exceed 45% of the total floor area of the building or like in this case, cannot exceed 80 square metres in floor area. She explained the apartment takes up 23.66% of the gross floor area which is not the issue. She noted the dwelling itself is very large. She further explained there is no issue with parking.

Committee member R. Funnell commented the accessory apartment is very large and the applicant should try to work with City staff to comply with the By-law.

Committee member B. Birdsell commented the 80 square metre size regulation is not relevant due to the large gross floor area of the building. He continued by noting there is no issue with parking and the accessory apartment is still subordinate to the main unit.

Committee member D. Kelly commented the total square footage of the dwelling is 4650 square feet which makes the accessory apartment subordinate.

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

Moved by B. Birdsell and seconded by J. Andrews,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.15.1 of Zoning By-law (1995)-14864, as amended, for 245 Deerpath Drive, to permit a 102.19 square metre (1,100 square foot) two bedroom accessory apartment in the basement when the By-law permits a maximum area of 80 square metres (861.1 square feet), be approved.”

Carried

Application: **A-1/12**

Owner: **Regine Ross**

Agent: **Rene Luypaert**

Location: **114 Bristol Street**

In Attendance: **Rene Luypaert**
 Dave Kendrick

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

Mr. Luypaert replied the sign was posted on the front lawn and was re-posted once it went missing, he also received the staff comments. He explained the application is to allow a two bedroom apartment on the main floor. He advised he is withdrawing his variance request for the parking and will comply with a width of 40% of the front yard. He explained he will remove the excess parking area and leave a landscaped space required by the By-law.

Committee member D. Kelly questioned when the apartment was constructed and if a building permit was obtained.

Mr. Luypaert replied the apartment was constructed two years ago and a building permit has been applied for but this could not be issued due to the Interim Control By-law.

Mr. Kendrick, a resident at 49 Vanier Drive commented the application deals with a variance to the Interim Control By-law. He explained the purpose of the By-law was to stop the registration of accessory apartments and lodging houses in Wards 5 and 6. He further commented the Interim Control By-law has been appealed to the Ontario Municipal Board and until a decision is rendered, in his opinion, the Interim Control By-law should stay in place. He commented it cannot be anticipated how the proposed By-law might be modified by the Ontario Municipal Board. He proceeded to comment that by allowing the applicants to proceed with registering the apartments, the Committee would be overturning the by-law.

Chair L. McNair questioned staff if the apartment would meet the regulations of the current and proposed regulations.

Planner R. Kostyan replied this is correct.

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. Kelly and seconded by R. Funnell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from Interim Control By-law (2010)-19019 to permit a 69.1 square metre (744 square foot) two bedroom accessory apartment in the basement when the Interim Control By-law in place does not permit the establishment of an accessory unit for any R.1 and R.2 zoned properties in Ward 5 and a portion of Ward 6, be refused.

Reasons for refusal being:

1. The application would not meet the intent of the Zoning By-law
2. The application would not meet the intent of the Interim Control By-law.”

Moved by L. McNair, with no seconder, to defer the application. He explained the Committee has been advised a report might be going to City Council dealing with the Interim Control By-law which may result in some properties not requiring minor variance approvals. Staff advised there was still a motion on the floor to be considered. The Committee voted on the main motion.

Carried

Application:	A-6/12
Owner:	William Beardmore / George Brandt
Agent:	n/a
Location:	61 Vanier Drive
In Attendance:	William Beardmore Peter Mena

**David Kendrick
Sue Bauer
Guy Bauer
John Campbell
Mark Boynton
Gina Artuso
Gary Artuso
Paul Reginato
Lesley Shepherd
Carl Smith
Kirk White
Karen White
Karen Sonoski
Brenda Smith
David Oscar
Sue Pennant
John Fryxell
Vladimir Rasper
Jarka Rasper
Paul Freeman**

The Assistant Secretary-Treasurer advised a letter opposing the application was submitted by the Old University Neighbourhood Resident's Association.

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

Mr. Beardmore replied the sign was posted and he did receive the staff comments. He explained he is asking for a deferral due to the report going to council regarding Interim Control By-law in January 30, 2012.

Moved by J. Andrews and seconded by B. Birdsell,

"THAT application A-6/12 for William Beardmore and George Brandt at 61 Vanier Drive be deferred for a maximum of 60 days and that the applicable deferral fee be paid prior to reconsideration of the application."

Carried

Planner R. Kostyan informed the City Council agenda will be posted online prior to the meeting.

Application: A-4/12

Owner: Narain and Maya Sambhwani

Agent: n/a

Location: 553 Edinburgh Road South

In Attendance: Narain and Maya Sambhwani

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

Mr. Sambhwani replied the sign was posted and they did receive staff comments. He explained he is uncertain why he needed a variance for the parking.

Planner R. Kostyan replied the legal off-street parking space depth does not meet the By-law requirement. She explained the driveway is 4.75 metres deep when the by-law requires a depth of 5.5 metres. She continued by explaining that two legal off-street parking spaces on the driveway with a depth of 5.5 metres are required for the accessory apartment.

Mr. Sambhwani explained they purchased the house in 1986 and the apartment already existed, including the wiring for the stove. He further explained they only updated the floors and electric wiring. He commented the City received a complaint due to the renovations being done.

The Secretary-Treasurer advised the Committee that accessory apartments were not permitted prior to the 1995 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 R. Funnell and seconded by D. Kelly,

“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 4.13.3.2.2 of Zoning By-law (1995)-14864, as amended, to permit two off-street exterior parking space depths of 4.755 metres (15.6 feet) when the By-law requires a minimum exterior parking space depth of 5.5 metres (18.04 feet), and a variance from Interim Control By-law (2010)-19019 to permit a 46.82 square metre (504 square foot) one bedroom accessory apartment in the basement when the Interim Control By-law in place does not permit the establishment of an accessory unit for any R.1 and R.2 zoned properties in Ward 5 and a portion of Ward 6, be refused.

Reasons for refusal being:

1. The application does not meet the intent of the Interim Control By-law,
2. The application does not meet the general intent of the Zoning By-law due to insufficient off-street parking.”

Carried

The meeting adjourned at 7:30 p.m.

L. McNair
Chair

Minna Bunnett, ACST(A)
Assistant Secretary-Treasurer

Kim Fairfull, ACST
Secretary-Treasurer

COMMITTEE OF ADJUSTMENT
Minutes

The Committee of Adjustment for the City of Guelph held a regular meeting on Tuesday February 7, 2012 at 6:00 p.m., in Committee Room 112, City Hall, with the following members present:

L. McNair
R. Funnell
J. Andrews
B. Birdsell
J. Hillen

Regrets: D. Kelly
A. Diamond

Staff Present: K. Fairfull, Secretary-Treasurer
M. Bunnett, Assistant Secretary-Treasurer
R. Kostyan, Planner
D. Jacques, City Solicitor
J. McEachren, Environmental Planner

Declarations of Pecuniary Interest

Committee member J. Hillen declared a pecuniary interest for Applications B-6/12 and A-7/12 at 106 Sunnylea Crescent, which was considered at the January 10, 2012 meeting, which he was absent. He advised the applicant was a client.

There were no further declarations of pecuniary interest.

Applications: B-10/10, B-11/10, A-12/10, A-13/10 and A-14/10

Applicant: Curtis Wile

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

Location: 94 Maple Street

**In Attendance: Curtis and Katharyne Phillips-Wile
Nancy Shoemaker
Robin-Lee Norris
Tanya Lonsdale
Ann Middleton
Christa Bayley
David Josephy
Linda Hathorn
Daphne Wainman-Wood
Hugh Whiteley
John Tattersall**

**Patrick Kraemer-White, Duncan, Linton
Henry Bayley
Janet Wood/Henry Wiseman
Eric Watts
Oxanna Adams
Norah Chaloner
Julia Sninson
Keith Ballairs
John Gruzliski
John Campbell
Mark Lafroriere
Madelyn Phillips-Wile
Greg Gravelle
Uta Kayser
Ken Dance
Luke Weiler
Sue Campbell/John Lawson
Shirley Ann Holmes
Kirk High/Julia Swanson
Lisa McTaggart
Leo Medeiros**

Chair L. McNair questions if the notice signs had been posted and if staff recommendations had been received.

Ms. Norris, who was acting on behalf of the owners, replied the notice signs were posted and staff recommendations have been received. She explained there has been mis-information circulated among neighbours about the proposal. She assured the neighbours they are not building a condominium development and not clear-cutting the entire property. She noted there is an existing large home on the property which was in decay when the Wiles purchased it. She explained the dwelling has undergone extensive renovations and severance is being requested for two lots fronting on Maple Street. She provided details on the size of the lots and identified on submitted sketches where the proposed houses would be constructed identifying the balance of the lot which will be undisturbed. She advised the Wiles retained an environmental consultant to walk the property and provide their expert opinion before purchasing the property and since that time he had attended the property 8 times. She explained the process of appearing before the Environmental Advisory Committee and advised final approval was obtained November 9, 2011, subject to conditions, which the applicant is willing to undertake. She noted there is a large City storm sewer which runs through the property the proposed house location is taking into account the easement required for its protection.

Ms. Norris referenced the matters the Committee had to have regard to under the Planning Act, Section 51(24) and provided arguments to satisfy all the factors. She advised the EIS was completed to deal with any concerns from the Environmental Advisory Committee. He noted the objections from neighbours rely on Official Plan Amendment 42 which is not an approved document. She noted that during research for the Natural Heritage Strategy, Marion Plaunt, the Manager of Policy Planning walked the property and removed the designation identifying the property as a natural area/woodland. She noted the property was designated as a cultural woodland and development is permitted in a cultural woodland and development is permitted in a cultural woodland if an Environmental Impact Report is completed.

She reminded the Committee the Ministry of Natural Resources has also visited the site and commented favourably with the proposal. She noted 85% of the site will remain as it is not. She identified that 73 trees are scheduled to be removed (10-11 are dead) and 23 trees are identified as in good condition. She noted the woodland management plan recommended by Planning staff deals with the protection of trees and compensation. She further noted the neighbours had expressed concern about the birds on the property. She noted the Mr. Dance, their environmental consultant did a site nesting study and made recommendations were included under Section 4 of the Planning report. She explained the owner has agreed to comply with all of the recommended conditions.

She explained the applicant plans to construct straw bale houses and is investigating rainwater harvesting for the proposed dwellings. She expressed concern about the neighbours comments about the number of recommended conditions with the severance. She explained 6 of the conditions relate to payment of various fees to the City; 4 conditions relate to creation of the easement the City would like protected. She advised there are only 2 site specific conditions related to Grand River Conservation Authority approval and the submission of a geotechnical report. With respect to the concerns about the trees on the site, staff has requested a tree management plan. She noted the proposed dwelling is 8.61 metres from the retaining wall on the abutting property when the By-law requires a 1.5 metre side yard.

Ms. Norris addressed the tests for minor variance for the setback for the proposed dwellings and the lot frontage. She expressed concern about the comments in the package about procedural fairness. She noted there have been three Environmental Advisory Committee meetings, a deferral was granted by the Committee of Adjustment, at the request of the neighbours, for eight weeks. She noted the applicant was sent a letter from Mr. Kraemer in response to a phone message left by the applicants. They agreed their expert could enter onto the land, with condition they wanted their consultant present. She advised on January 17th, her partner reminded Mr. Kraemer about the offer and requested that any report be received at least 5 days prior to the hearing. She noted they were not able to come to an agreement for the consultant to enter the property and they will not agree to another deferral being requested. She reminded the Committee the proposal has been with the municipality for 2½ years.

Chair L. McNair invited questions from the members of the Committee.

Chair L. McNair questioned if there was any estimate of the number of tons of fill required on the lot.

After consultation with the engineer and planner, Ms. Norris replied there will be 340 cubic metres for the south lot and 350 cubic metres for the north lot.

Patrick Kraemer advised he represented POUR, an acronym for 'protect our urban ravines'. He advised his brief was submitted for the members of the Committee along with in excess of 40 letters in objection to the application. He explained the focus of the group, which is to protect the forest and the natural environment associated with the proposal. He explained a woodland encompasses the property and some of the abutting properties which was originally part of the Pederson creek which has been maintained even after decades of development in surrounding properties. He noted the report speaks to the obvious benefits this woodland provides. He noted the proposal brings to mind the big yellow taxi song where they took all the trees and put them in a tree museum and you don't know what you got until it is gone. He noted the report submitted from their expert has identified an endangered butternut tree, wildlife habitat and a diverse number of bird species. He referenced Page 59 of their submission identifying the number of trees that will be removed to accommodate the development, with 15% identified as non-native species and it was evident the woodland will not withstand this development.

He addressed Section 3(5) of the Planning Act and the Committee's responsibility under the Provincial Policy Statement to address the natural features on the property. He further addressed the Guelph Official Plan identifying natural areas on Schedule 2. He noted that although the property is not identified does not mean all features in the city have been addressed. He explained the Environmental Advisory Committee is an advisory committee only and the responsibility to protect this natural environment rests with the members of the Committee of Adjustment. He noted that although the Ministry of Natural Resources has not raised concerns with this application, they are not in favour of the severance. He noted the opponents bring local knowledge on this property that experts do not have. He advised the tests for minor variance have been detailed in the submitted brief and stress the general intent of the Official Plan which is to protect the natural environment, is not being met. He advised they have retained Brad Brickers and are relying on his expertise that the development will adversely affect the natural environment. In addition, there are opinions from experts such as Dr. Ambrose, Ron Winter and Dr. Middleton that speak against the development.

Chair L. McNair questioned if there were any questions from the Committee.

Committee member B. Birdsell questioned Environmental Planner J. McEachren how old the storm sewer was that ran through the property.

Committee member R. Funnell recalled the storm sewer was built in the 1930's.

Committee member B. Birdsell questioned if there was any further information the Environmental Planner could add to the application.

Planner J. McEachren replied when staff reviewed the proposal they studies all of the policies in affect. It was recommended an Environmental Impact Study be completed by the butternut trees on the property. She noted that other than the butternut trees, there are no overlays in the Official Plan that would identify the requirement for an Environmental Impact Study. She noted the Official Plan Amendment 42 which implemented the Natural Heritage Study is currently under appeal and as such staff can only take the amendment into advisement.

Chair L. McNair questioned if the Environmental Impact Study was focused on the butternut trees only.

Planner J. McEachren replied the Environmental Impact Study was completed for the entire property.

Ms. Norris, in response to the evidence presented by Mr. Kraemer, noted there are 73 trees being removed on the property. She noted the report prepared recommended that less than 30% of the trees on the property are worth saving. She noted they will be sensitive in the development which will respect the trees to be retained. She noted the Official Plan identifies preserving and being respectful to the woodlands. She advised there has never been a suggestion the lands will be clear cut and there is no evidence all the trees on the property will die as a result of the development. She advised Mr. Bricker for the most part had to use derivative data as he was not on site and reference is being made to Official Plan Amendment 42 which does not apply. She noted the report implies the property should be a conservation area and this is not the Committee's function. She further noted the Province signed off with their approval of Official Plan Amendment 42 which does not identify this property as significant. She explained that Greenfield development has costs and is related to sprawl and they are meeting the requirements of the Provincial and municipal guidelines.

Chair L. McNair questioned the planner if the back of the property would be protected in perpetuity if the severances were granted.

Planner R. Kostyan replied it would be difficult to access the rear of the property in the future with the location of the butternut trees.

Judy Martin explained she was the regional representative for the Sierra Club in excess of 30 years and her work in Guelph has focused on greenfield developments and its affect on the natural environment. She expressed her concerns the development is inconsistent with policies to protect woodlands and encouraged the applications not be approved. She noted the property is over 1 hectare in size and several policies in the Official Plan Amendment 42 speak to preservation of trees for properties exceeding 1 hectare in size. She noted compensation for tree loss should not be considered and she does not support removing trees and replacing with new trees which is evidenced with the letter submitted by Mr. John Ambrose. She advised the Ministry of Natural Resources did not visit the site and their statements were made based on evidence in their office only. She expressed concern the tree canopy in Guelph may be jeopardized as a result of the proposal.

Nora Chaloner, who resides south of the property expressed concern what would happen if a severe storm or hurricane occurred as there is a reliance on the subject property for drainage of water. She advised if they removed more trees it would jeopardize the storm water system.

Committee member J. Hillen questioned the age of house at 92 Maple Street.

Ms. Norris replied the house was constructed in 1949 but is not considered historic.

Chair L. McNair questioned if the request from staff that a qualified geotechnical engineer would address water flows related to the subject property.

Planner R. Kostyan replied the expert would deal with slopes and geology of the site. She noted predevelopment flow must equal post development flow.

Richard Chaloner noted there is an outstanding demolition permit for the large house and questioned if there were plans to demolish the house.

Uta Kayser, the real estate agent responsible for the purchase of the dwelling noted the demolition permit expired and the Wyles have chosen not to renew it. She noted extensive renovations have occurred at the house and there are no plans for demolition.

Lisa McTaggart, a resident at 70 Maple Street expressed her concerns in objection to the application. She noted there are plans to install a double catch basin on the site which will result in the destruction of more trees. She provided background information related to the construction of the retaining wall between the two properties and expressed concern any construction would jeopardize the integrity of the wall. She further noted the trees adjacent to her house provide natural cooling of their home, which does not have air conditioning. She expressed further concern related to the destruction of the mature trees on the property resulting in the proposed development.

Committee members reviewed the drawings submitted relative to the retaining wall and questioned the scale of the representation.

Oxana Adams, as resident of 22 Maple Street advised she wrote a letter in support of the application and reviewed the letters submitted in objection to the application. She noted she spoke with the owners to obtain more information about the proposal. She noted in a perfect world she would like to see the property undeveloped however the property needs a good clean up. She explained there is a fair amount of invasive species, non native species and dead trees and the owner is planning on removing those invasive species and replanting with native species which is what has been needed on this property all along. She noted that sooner or later a property that size so close to downtown is going to be developed and this proposal of two single dwellings is a great compromise.

Daphne Wainman-Wood, who represents the Old University Residents Association, advised she truly believe ones right to develop ones property however the environment should be considered first and they developing an environmentally sensitive area. She noted there are other options to develop the site and they could easily put multiple units in the house.

Chair L. McNair gave Ms. Norris an opportunity to speak to the concerns of neighbours.

Robin Lee Norris advised the Committee that the property is actually .65 hectares in area. She noted this information was also presented at the Environmental Advisory Committee. She noted there was fill placed on the abutting property when the house was constructed in 1970 which required the construction of the retaining wall. She noted the trees on the subject property should not be responsible for providing air conditioning to the neighbouring home. She further noted the man hole covers are being installed on the property to assist the municipality in the upkeep of the storm sewer system running through the property.

Application Number B-10/10

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

Moved by B. Birdsell and seconded by J. Hillen,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lots 27 and 28, Registered Plan 39, Maple Street, a parcel with a frontage along Maple Street of 27.38 metres (89.82 feet) and a depth of 30.48 metres (100 feet), be approved, subject to the following conditions:

1. That prior to endorstation of the deeds, the owner shall pay to the City, the watermain frontage charge of \$8.00 per foot for 176.38 feet (53.76 metres) of frontage on Maple Street.
2. That the owner pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior

to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.

3. That prior to endorsation of the deeds, the owner shall determine the actual location of the 600mm storm trunk sewer across part of lot 27 and lot 28, Registered Plan 39 and have an Ontario Land Surveyor prepare a reference plan showing the actual location of the 600mm storm trunk sewer and be responsible for the entire costs associated with the preparation and registration of the reference plan.
4. That prior to endorsation of the deeds, the owner grants a 6.00-metre (19.69 feet) wide easement over the lands to be severed (Proposed Parts 1 and 2) and over part of the retained lands (Proposed Part 3) for the existing 600mm (24") storm trunk sewer over part of lot 27 and lot 28, Registered Plan 39, registered on title, in favour of the City of Guelph.
5. That prior to endorsation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the easement.
6. That prior to endorsation of the deeds, the owner's solicitor certifies that the easement in favour of the City of Guelph, over part of lot 27 and lot 28, Registered Plan 39, has been granted and registered on title.
7. Prior to the issuance of a building permit on the lands, the owner shall have a Professional Engineer design a grading plan and storm water management system for the said lands, satisfactory to the General Manager/City Engineer.
8. That the owner grades, develops and maintains the site including the storm water management system designed by a Professional Engineer, in accordance with the Site Plan and Grading and Drainage Plan that have been submitted to and approved by the General Manager/City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the stormwater management system was built as it was approved by the City and that it is functioning properly.
9. That prior to endorsation of the deeds, the owner shall have the professional engineer provide verification to the City that the existing storm pipe can withstand the earth loads when the proposed fill is placed on top of the pipe.
10. That prior to endorsation of the deeds, the owner shall have a qualified geotechnical engineer prepare a geotechnical report satisfactory to the General Manager of Planning and Building and to the General Manager/City Engineer ensuring that the proposed fill area slopes will be stable and that no adverse environmental effects will result.
11. That prior to endorsation of the deeds, the owner shall submit the geotechnical report to the Grand River Conservation Authority for comment.
12. That the owner pays the actual cost of constructing new service laterals to the proposed severed lands including the cost of any curb cuts or fills required, with the estimated cost of

the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.

13. That the owner relocates the existing service laterals to the existing house onto the lands being retained, satisfactory to the Plumbing Inspector, prior to endorsation of the deeds.
14. That the owner pays the actual cost of constructing new service laterals to the proposed retained lands including the cost of any curb cuts or fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to endorsation of the deeds.
15. That the owner pays the actual cost of the construction of the new driveway entrances and the required curb cuts, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
16. 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.
17. That prior to the issuance of any building permits on the said lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
18. That a legal off-street parking space be created on the severed lands (Proposed Parts 1 and 2) at a minimum setback of 6-metres from the Maple Street property line.
19. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed severed and retained lands, prior to the issuance of any building permits.
20. That prior to issuance of a building permit, the applicant makes arrangement for provision of underground hydro servicing to the two severed parcels, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the owner's expense
21. That a Woodland Management Plan/Compensation Plan be submitted and approved by City Staff prior to issuance of building permit for the two severed properties. The plan must include the following:
 - a) Details on the exact number of trees to be removed and based on that, the number of trees proposed for compensation;
 - b) Examination of the feasibility of transplanting any smaller caliper trees;
 - c) The proposed new plantings on site are identified as being native species. The Plan should outline how the proposed plantings will reflect continuity with the surrounding remaining woodlot;
 - d) Tree Protection Zone signage be installed on the fencing (see City Specifications) identifying the TPZ as being a no touch zone;
 - e) All tree protection fencing will need to be inspected prior to work commencing on site;

- f) Compensation for trees unable to fit on the property will be addressed through cash-in-lieu payable to the City for future City plantings.
- 22. That the monitoring section (section 10.0) of the Environmental Impact Study includes specific monitoring of the butternut located on the subject property. This can also be addressed in the Woodland Management Plan.
- 23. That no vegetation removal is to take place during breeding bird season (May-July) as per the Migratory Bird Act (1994).
- 24. That the recommendations made in Section 11 of the Environmental Impact Study be carried out.
- 25. That the elevation and design drawings for the new dwellings on the severed parcel be submitted to, and approved by the General Manager of Planning & Building Services, prior to the issuance of a building permit for the new dwellings in order for staff to ensure that the design of the new dwellings respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
- 26. That a site plan be submitted to, and approved by the General Manager of Planning & Building Services and the City Engineer, prior to the issuance of a building permit for the new dwellings on the severed parcels indicating:
 - a) The location and design of the new dwellings;
 - b) All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
 - c) The location of the new dwellings with a setback that is in character with the surrounding area;
 - d) Grading, drainage and servicing information;
- 27. That prior to the issuance of a building permit for the severed parcels, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning & Building Services;
- 28. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy and implement the above-noted conditions and to develop the site in accordance with the approved plans, all to the satisfaction of the General Manager of Planning and Building Services, City Solicitor and General Manager/City Engineer.

29. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to February 6, 2013.
30. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
31. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
32. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Application Number B-11/10

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

Moved by B. Birdsell and seconded by J. Hillen,

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 28, Registered Plan 39, Maple Street, a parcel with a frontage along Maple Street of 26.38 metres (86.54 feet) and a depth of 30.48 metres (100 feet), be approved, subject to the following conditions:

1. That prior to endorsation of the deeds, the owner shall pay to the City, the watermain frontage charge of \$8.00 per foot for 176.38 feet (53.76 metres) of frontage on Maple Street.
2. That the owner pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.

3. That prior to endorsation of the deeds, the owner shall determine the actual location of the 600mm storm trunk sewer across part of lot 27 and lot 28, Registered Plan 39 and have an Ontario Land Surveyor prepare a reference plan showing the actual location of the 600mm storm trunk sewer and be responsible for the entire costs associated with the preparation and registration of the reference plan.
4. That prior to endorsation of the deeds, the owner grants a 6.00-metre (19.69 feet) wide easement over the lands to be severed (Proposed Parts 1 and 2) and over part of the retained lands (Proposed Part 3) for the existing 600mm (24") storm trunk sewer over part of lot 27 and lot 28, Registered Plan 39, registered on title, in favour of the City of Guelph.
5. That prior to endorsation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the easement.
6. That prior to endorsation of the deeds, the owner's solicitor certifies that the easement in favour of the City of Guelph, over part of lot 27 and lot 28, Registered Plan 39, has been granted and registered on title.
7. Prior to the issuance of a building permit on the lands, the owner shall have a Professional Engineer design a grading plan and storm water management system for the said lands, satisfactory to the General Manager/City Engineer.
8. That the owner grades, develops and maintains the site including the storm water management system designed by a Professional Engineer, in accordance with the Site Plan and Grading and Drainage Plan that have been submitted to and approved by the General Manager/City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the stormwater management system was built as it was approved by the City and that it is functioning properly.
9. That prior to endorsation of the deeds, the owner shall have the professional engineer provide verification to the City that the existing storm pipe can withstand the earth loads when the proposed fill is placed on top of the pipe.
10. That prior to endorsation of the deeds, the owner shall have a qualified geotechnical engineer prepare a geotechnical report satisfactory to the General Manager of Planning and Building and to the General Manager/City Engineer ensuring that the proposed fill area slopes will be stable and that no adverse environmental effects will result.
11. That prior to endorsation of the deeds, the owner shall submit the geotechnical report to the Grand River Conservation Authority for comment.
12. That the owner pays the actual cost of constructing new service laterals to the proposed severed lands including the cost of any curb cuts or fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.

13. That the owner relocates the existing service laterals to the existing house onto the lands being retained, satisfactory to the Plumbing Inspector, prior to endorsation of the deeds.
14. That the owner pays the actual cost of constructing new service laterals to the proposed retained lands including the cost of any curb cuts or fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to endorsation of the deeds.
15. That the owner pays the actual cost of the construction of the new driveway entrances and the required curb cuts, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
16. 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.
17. That prior to the issuance of any building permits on the said lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
18. That a legal off-street parking space be created on the severed lands (Proposed Parts 1 and 2) at a minimum setback of 6-metres from the Maple Street property line.
19. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed severed and retained lands, prior to the issuance of any building permits.
20. That prior to issuance of a building permit, the applicant makes arrangement for provision of underground hydro servicing to the two severed parcels, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the owner's expense
21. That a Woodland Management Plan/Compensation Plan be submitted and approved by City Staff prior to issuance of building permit for the two severed properties. The plan must include the following:
 - a) Details on the exact number of trees to be removed and based on that, the number of trees proposed for compensation;
 - b) Examination of the feasibility of transplanting any smaller caliper trees;
 - c) The proposed new plantings on site are identified as being native species. The Plan should outline how the proposed plantings will reflect continuity with the surrounding remaining woodlot;
 - d) Tree Protection Zone signage be installed on the fencing (see City Specifications) identifying the TPZ as being a no touch zone;
 - e) All tree protection fencing will need to be inspected prior to work commencing on site;
 - f) Compensation for trees unable to fit on the property will be addressed through cash-in-lieu payable to the City for future City plantings.

22. That the monitoring section (section 10.0) of the Environmental Impact Study includes specific monitoring of the butternut located on the subject property. This can also be addressed in the Woodland Management Plan.
23. That no vegetation removal is to take place during breeding bird season (May-July) as per the Migratory Bird Act (1994).
24. That the recommendations made in Section 11 of the Environmental Impact Study be carried out.
25. That the elevation and design drawings for the new dwellings on the severed parcel be submitted to, and approved by the General Manager of Planning & Building Services, prior to the issuance of a building permit for the new dwellings in order for staff to ensure that the design of the new dwellings respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
26. That a site plan be submitted to, and approved by the General Manager of Planning & Building Services and the City Engineer, prior to the issuance of a building permit for the new dwellings on the severed parcels indicating:
 - a) The location and design of the new dwellings;
 - b) All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
 - c) The location of the new dwellings with a setback that is in character with the surrounding area;
 - d) Grading, drainage and servicing information;
27. That prior to the issuance of a building permit for the severed parcels, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning & Building Services;
28. That prior to the endorsonation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy and implement the above-noted conditions and to develop the site in accordance with the approved plans, all to the satisfaction of the General Manager of Planning and Building Services, City Solicitor and General Manager/City Engineer.
29. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to February 6, 2013.

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

Carried.

Application Number A-12/10

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

Moved by B. Birdsell and seconded by J. Hillen,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 – Row 6 and Section 5.1.2.7 of Zoning By-law (1995)-14864, as amended, for Part of Lots 27 and 28, Registered Plan 39, Maple Street, to permit a residential dwelling to be setback 9.1 metres (29.85 feet) from Maple Street when the By-law requires the minimum setback for any dwelling be the average of the setbacks of the properties having lot frontage within the same block face [19.04 metres (58 feet)], be approved, subject to the following condition:

1. That the conditions imposed for Application B-10/10 be and form part of this approval."

Carried.

Application Number A-1310

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

Moved by B. Birdsell and seconded by J. Hillen,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 – Row 6 and Section 5.1.2.7 of Zoning By-law (1995)-14864, as amended, for Part of Lot 28, Registered Plan 39, Maple Street, to permit a residential dwelling to be setback 12.1 metres (39.7 feet) from Maple Street when the By-law requires the minimum setback for any dwelling be the average of the setbacks of the properties having lot frontage within the same block face [19.04 metres (58 feet)], be approved, subject to the following condition:

1. That the conditions imposed for Application B-11/10 be and form part of this approval.”

Carried.

Application Number A-13/10

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

Moved by B. Birdsell and seconded by J. Hillen,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 – Row 4 and Section 5.1.2.6 of Zoning By-law (1995)-14864, as amended, for Part of Lots 27 and 28, Registered Plan 39, Maple Street, to permit the retained parcel to have a lot frontage of 10.82 metres (35.49 feet) when the By-law requires the minimum lot frontage be the average of the properties having lot frontage within the same block face [18 metres (70.9 feet)], be approved, subject to the following condition:

1. That the conditions imposed for Applications B-10/10 and B-11/10 be and form part of this approval.”

Carried.

The meeting adjourned at 8:45 p.m.

L. McNair
Chair

K. E. Fairfull, ACST
Secretary-Treasurer

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday February 14, 2012 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

J. Hillen
B. Birdsell
J. Andrews
A. Diamond
D. Kelly, Chair

Regrets: L. McNair
R. Funnell

Staff Present: R. Kostyan, Planner
D. Jacques, City Solicitor
K. Fairfull, Secretary-Treasurer
M. Bunnett, Assistant Secretary-Treasurer

Declarations of Pecuniary Interest

Committee member J. Hillen declared a pecuniary interest for Applications A-25/12 at 160 Ironwood Road, A-25/12 at 50 Laurine Avenue and A-23/12 at 670 Willow Road. There were no further declarations of pecuniary interest.

Meeting Minutes

Moved by B. Birdsell and seconded by J. Andrews,

“THAT the Minutes from the January 10, 2012 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

Moved by J. Hillen and seconded by B. Birdsell,

“THAT the Minutes from the February 7, 2012 Regular Meeting of the Committee of Adjustment, be approved as amended.”

Carried

Other Business

February 14, 2012 C of A Minutes

The Assistant Secretary-Treasurer advised Zehrs/Zellers application A-2/12 for 297-299 Eramosa Road was withdrawn at last minute. She commented the applicant was advised the Committee will be considering a fee to be paid for the works carried out.

The Assistant Secretary-Treasurer advised the Ontario Municipal Board has scheduled an appointment for hearing for Application A-80/11 for 415 Cole Road. The hearing has been scheduled for Thursday March 1, 2012 for one day.

The Assistant Secretary-Treasurer also advised the Ontario Municipal Board has scheduled an appointment for hearing for Application A-105/11 for 22 Mason Court. The hearing has been scheduled for Thursday March 8, 2012 for one day.

The Assistant Secretary-Treasurer also advised the Ontario Municipal Board has scheduled an appointment for hearing for Application A-103/11 for 29 Curzon Crescent. The hearing has been scheduled for Wednesday March 21, 2012 for one day.

The Assistant Secretary-Treasurer advised a memorandum was issued by Ontario Municipal Board Vice-Chair regarding Application A-74/11, 25 Ervin Crescent. The Vice-Chair noted it is premature to deal with the variance relief sought due to the fact that a decision related to Interim Control By-law appeals has not been issued yet, pending on the phrase "new Accessory Apartment".

Planner R. Kostyan noted the Ontario Municipal Board held a hearing for 29 and 27 Westra Drive which were appeals for side yard variances which were refused by the Committee. She advised a verbal opinion was given and the OMB accepted the variances.

Committee member J. Hillen, having declared a pecuniary for the following three applications, left the room at 4:10 p.m.

Application: **A-25/12**

Owner: **Upper Grand District School Board**

Agent: **Snyder & Associates**

Location: **160 Ironwood Road**

In Attendance: **Blair Capling**

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

Mr. Capling replied the sign was posted and staff comments were received. He explained the application is similar to many other schools due to the parking regulations for a gym. He further

explained it is very rare that the gym and school are both full at the same time. He noted if more parking is needed for special events, the gates accessing overflow parking would be opened. There were no questions from the Committee.

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

Moved by A. Diamond and seconded by J. Andrews,

“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 4.13.4.4 of Zoning By-law (1995)-14864, as amended, for 160 Ironwood Road, to construct a 62 square metre (667.2 square foot) two storey addition and to permit 44 off-street parking spaces on site when the By-law requires 49 off-street parking spaces, be approved, subject to the following condition:

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 buildings, landscaping, parking, circulation, 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 shall develop the said lands in accordance with the approved site plan.”

Carried

Application:	A-26/12
Owner:	Upper Grand District School Board
Agent:	Hossack & Associates Architects
Location:	50 Laurine Avenue
In Attendance:	Blair Capling Vlado Kovac

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

Mr. Capling replied the sign was posted and the staff comments were received. He explained the parking situation is very similar to all the other schools which are applying for parking variances. He commented the site is very limited on space and by adding parking spaces they would lose the play area. He explained the variance for the maximum front yard setback is due to the design of the site. He further explained it is difficult to achieve a 20 metre setback due to the existing hill and the orientation of the street.

Mr. Kovac, owner of 84 Lane Street, questioned whether there was a purpose for the un-patrolled southern laneway and if that area could be used for parking by closing it.

Planner R. Kostyan replied this is a question for the school board but the students might be using the laneway for accessing the school.

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

Moved by B. Birdsell and seconded by A. Diamond,

“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 8.2 Row 4 and Section 4.13.4.4 of Zoning By-law (1995)-14864, as amended, for 50 Laurine Avenue, to construct a 3,450 square metre (37,135.49 square foot) two storey public school, and,
a) to permit the school to be constructed 45.85 metres (150.42 feet) from Laurine Avenue when the By-law requires a front yard setback of maximum 20 metres (65.61 feet), and,
b) to provide 31 off-street parking spaces when the By-law requires a total of 58 off-street parking spaces,

be approved subject to the following condition:

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 buildings, landscaping, parking, circulation, 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 shall develop the said lands in accordance with the approved site plan.”

Carried

Application: A-23/12

Owner: Upper Grand District School Board

Agent: **BJC Architects Inc.**

Location: **670 Willow Road**

In Attendance: **Blair Capling**

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

Mr. Capling replied yes and they also received the staff comments. He explained the application is for a parking variance, similar to the other school parking variance applications.

There were no questions from the Committee.

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

Moved by A. Diamond and seconded by J. Andrews,

“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 4.13.4.4 of Zoning By-law (1995)-14864, as amended, for 670 Willow Road, to construct a 264.85 square metre (2,850 square foot) one storey addition and to permit 37 off-street parking spaces when the By-law requires 80 off-street parking spaces, be approved subject to the following condition:

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 buildings, landscaping, parking, circulation, 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 shall develop the said lands in accordance with the approved site plan.”

Carried

Committee member J. Hillen was summoned back to the room at 4:19 p.m.

Application: **A-20/12**

Owner: **Peter and Mariana Kramer**

Agent: **AMG Appliances**

Location: **111 Watson Road South**

In Attendance: **Allan and Sandra Faulds**

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

Mr. Faulds replied the sign was posted and the staff comments were received. He had no further information to add to the application.

There were no questions from the Committee.

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

Moved by J. Andrews and seconded by A. Diamond,

“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 7.1.1 of Zoning By-law (1995)-14864, as amended, for 111 Watson Road South, to permit a display and retail sales of appliances when the By-law does not permit this use in the B.2 Zone, be approved.”

Carried

Application: **B-9/12**

Owner: **1513185 Ontario Ltd.**

Agent: **Van Harten Surveying Inc.**

Location: **28 Industrial Street**

In Attendance: **Jeff Buisman**
Parthipan Loganathan
George Creighton
Louis Tonin
Jeff Creighton

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

Mr. Buisman replied yes and he did receive staff comments. He explained the application is for a severance and a creation of a shared driveway. He commented the area is zoned Industrial B.4 which has specifications for fairly large buildings. He continued by explaining that though the site is small they were able to follow the zoning regulations.

Mr. G. Creighton of 18 Industrial Street expressed a concern with the traffic congestion on Elizabeth Street and Industrial Street. He felt that the street is too narrow to accommodate more traffic especially large trucks. He further expressed concern that people would not be parking on the proposed two properties but rather on the street.

Planner R. Kostyan replied the existing building will not change in shape and there will be sufficient parking provided for both properties. She explained that site plan approval is required for the severed property once construction is proposed and a full review will be done at that time.

Chair D. Kelly explained parking on the street is not an area the Committee can deal with. However she asked the staff to follow-up on the concern.

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

Moved by B. Birdsell and seconded by A. Diamond,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lots 12 and 13 Registered Plan 396, to be known as 24 Industrial Street, a parcel with a frontage along Industrial Street of 39.2 metres (128.6 feet) and a depth of 33.5 metres (109.9 feet) subject to a right-of-way with a width of 7.0 metres (22.96 feet) and a depth of 33.5 metres (109.9 feet) to provide mutual access to off-street parking for both 24 and 28 Industrial Street, 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 128.60 feet (39.20 metres) of frontage on Industrial Street.
2. The owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the said lands to the satisfaction of the Director of Planning and Building Services and the General Manager/City Engineer, prior to the issuance of a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.

3. That prior to endorsation of the deeds, the servient tenement (proposed severed lands), grants a right-of-way approximately 7.0-metres (22.96 feet) wide by approximately 33.50-metres (109.90 feet) long over the (proposed severed lands), registered on title, in favour of the dominant tenement (28 Industrial Street) for vehicular access to the off-street parking spaces on 28 Industrial Street.
4. That prior to endorsation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the proposed severed parcel and the proposed vehicular access right-of-way.
5. That prior to endorsation of the deeds, the owner's solicitor certifies that the right-of-way in favour of the dominant tenement (28 Industrial Street) has been granted and registered on title.
6. That the owner removes the existing open storage area from the proposed severed lands, prior to endorsation of the deeds.
7. That the owner pays the actual cost of the construction of the new driveway entrances, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
8. That prior to the issuance of a building permit on the severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
9. The owner shall pay the actual cost of constructing and installing any service laterals required to the proposed severed lands, furthermore, prior to site plan approval, the owner shall pay to the City the estimated cost of the service laterals, as determined by the General Manager/City Engineer.
10. Prior to site plan approval, the owner shall have a Professional Engineer design a grading plan and storm water management system for the proposed severed lands, satisfactory to the General Manager/City Engineer, Furthermore the owner shall have the Professional Engineer who designed the stormwater management system certify to the City that he/she supervised the construction of the storm water management system and that the storm water management system was built as it was approved by the City and that it is functioning properly.
11. That the owner grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.
12. That the owner constructs the building at such an elevation that the building can be serviced with a gravity connection to the sanitary sewer.

13. That the owner shall make satisfactory arrangements with 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.
14. That prior to site plan approval, the owner shall enter into a Site Plan Control Agreement with the City, registered on title, satisfactory to the General Manager/City Engineer and the City Solicitor, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
15. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to February 17, 2013.
16. 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.
17. 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.
18. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Application: **A-24/12**

Owner: **Walt Kelly Ltd.**

Agent: **n/a**

Location: **415 Woodlawn Road West**

In Attendance: **Walt Kelly**

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

Mr. W. Kelly replied yes, the sign was posted and he did receive the staff comments. He explained Planning Services staff saw the site plan in November of 2011. He commented the building on the submitted plan is a little larger than in the plans shown to Planning staff in November. He explained that regardless of the size of the future building, a 3 metre setback variance will be required. He commented he has no problem with deferring the application.

Planner R. Kostyan informed the applicant that it is up to the applicant to return with the application in front of the Committee after the next site plan meeting.

Chair D. Kelly questioned whether the applicant is aware of the deferral fee.

Mr. W. Kelly replied he was not aware of the fee and noted this is a costly and lengthy process. He explained his plans are to improve the corner property and a gas bar seems to be the only option for the site. He commented he would like the Committee to approve the variance in order for him to be able to wait for building permit issuance once the site plan has been approved. He questioned if the deferral fee could be eliminated.

Planner R. Kostyan commented the reason for the deferral is to give the site plan staff and the landscape planner a chance to review the revised plan especially due to the existing large ditch. She continued by explaining the landscaping will improve the site but staff needs to be able to review the proposed plan.

Moved by B. Birdsell and seconded by A. Diamond,

“THAT Application A-24/12 for Walt Kelly at 415 Woodlawn Road West, be deferred sinedie, and in accordance with the Committee’s policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

Moved by J. Andrews and seconded by A. Diamond;

“THAT for application A-24/12 at 415 Woodlawn Road West the deferral application fee be 50% of the regular deferral fee amount, the amount being \$108.50.”

Carried

Application: B-10/12

Owner: Lisa White

Agent: Black, Shoemaker, Robinson and Donaldson

Location: **27 Forest Hill Drive**

In Attendance: **Jeff White**
 Bruce Donaldson

The Secretary-Treasurer K. Fairfull noted that the Committee at the April 12, 2011 meeting of the Committee of Adjustment requested a detailed history of the storm sewer location at 27 and 29 Forest Hill Drive in response to concerns expressed by Mr. White, and report back to the Committee on the City's position on the costs associated with the scoping for the location of this storm sewer. She read a memo to the Committee members from Grant Ferguson. The memo outlined the history of the storm sewer and the works that have been completed to date on the site to determine the location of the old storm sewer. She further noted it is the City's position that development should pay for itself and not be borne by the taxpayers.

Chair D. Kelly questioned if the applicant received the staff comments.

Mr. B. Donaldson replied he did receive the staff comments. He continued by explaining that it appears there are two separate pipes on the property. He explained the City scoped the sewer pipe and used ground penetration radar to locate the second pipe. He commented the results of the radar were inconclusive and the only sure way to locate the pipe is to excavate extremely deeply. He noted once the house is being constructed, they could look at excavating again to locate the second pipe. He explained that the reason for changing the condition is to allow for the owner of the property additional space to reverse as he is leaving the driveway at 29 Forest Hill Drive.

Planner R. Kostyan expressed a concern with the driveway width on the severed parcel.

Mr. B. Donaldson replied there should not be an issue with the driveway width on either the severed or retained parcels.

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

Moved by J. Andrews and seconded by B. Birdsell,

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission for change of condition for Part of Lots 24 to 27, Registered Plan 39, to be known as 29 Forest Hill Drive, for an application requesting,

- a) a parcel with a frontage along Forest Hill Drive of 11.67 metres (38.38 feet) and an area of 3,162 square metres (34,035.48 square feet);
- b) subject to a right-of-way and easement [Part 3 on a Sketch for Severance Application dated June 11, 2009 – Project 08-7865-2] plus Parts 1 and 2 on a draft

Reference Plan dated February 6, 2012 – Project No. 08-7865-5] to provide vehicular access to the attached garage and for protection of the water service at 27 Forest Hill Drive;

- c) subject to a right-of-way and easement over Part 2, Reference Plan 61R-11552, to provide sanitary service connection to 29 Forest Hill Drive,

be approved subject to the following conditions:

1. That prior to endorsation of the deeds, the owner shall determine the actual location of the 600mm storm trunk sewer across part of lots 25, 26 and 27, Registered Plan 39 and prepare a new reference plan showing the actual location of the 600mm storm trunk sewer and be responsible for the entire costs associated with the preparation and registration of the new reference plan.
2. That prior to endorsation of the deeds, the owner shall have the existing storm sewer easement registered as Instrument Number WC102397 released and be responsible for the entire costs associated with the release.
3. That prior to endorsation of the deeds, the owner shall grant a new 6.0-metre (19.69 feet) wide easement over the lands to be severed (Proposed Parcels 2 and 3) where the existing 600mm (24") storm trunk sewer is located across part of lots 25, 26 and 27, Registered Plan 39, registered on title, in favour of the City of Guelph.
4. That prior to endorsation of the deeds, the servient tenement (Proposed Severed Lands, Proposed Parcels 2 and 3), grants an irregular shaped right-of-way (Proposed Parcel 3) with a width of approximately 11.67-metres (38.28 feet) and 14.53-metres (47.67 feet) by approximately 40.88-metres (134.12 feet) and 24.06-metres (78.94 feet) to provide for a turnaround, in favour of the dominant tenement 27 Forest Hill Drive (Proposed retained lands, Parcel 1).
5. That prior to endorsation of the deeds, the dominant tenement (Proposed Severed Lands, Proposed Parcels 2 and 3), grants an irregular shaped easement (Proposed Parcel 3) with a width of approximately 11.79-metres (38.68 feet) and 9.0-metres (29.53 feet) by approximately 27.54-metres (90.35 feet) and 11.75-metres (38.55 feet) for the existing water service lateral, in favour of the servient tenement, 27 Forest Hill Drive (Proposed retained lands, Parcel 1).
6. That prior to endorsation of the deeds, the dominant tenement, 27 Forest Hill Drive (Proposed retained lands, Parcel 1) grants an easement (Proposed Parcel 4) with a width of approximately 3.0-metres (9.84 feet) and approximately 5.0-metres (16.40 feet) by approximately 8.0-metres (26.25 feet) and 10.0-metres (32.81 feet) for the future sanitary sewer lateral, in favour of the servient tenement (Proposed severed lands, Proposed Parcel 2 and 3).

7. The owner applies for a sanitary lateral and pays the rate in effect at the time of application if the owner decides not to use the future sanitary sewer connection from the existing manhole located on the lands to be retained (Proposed Parcel 1), 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 endorsonation of the deeds.
10. Prior to the issuance of a building permit on the lands, the owner shall have a Professional Engineer design a grading plan and storm water management system for the said lands, satisfactory to the City Engineer.
11. That the owner grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the stormwater management system was built as it was approved by the City and that it is functioning properly.
12. That the owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the lands, prior to endorsonation of the deeds.
13. The applicant shall prepare a scoped Environmental Impact Study (EIS) based on terms of reference approved by the City and the Environmental Advisory Committee (EAC). The EIS must specifically address Section 6.5 Habitat of Endangered Species and Threatened Habitat. A three season inventory will be required to confirm the presence/absence of threatened or endangered flora and/or fauna prior to any grading, tree removal and prior to endorsonation of the deeds.
14. That the elevation and design drawings for the new dwelling on the severed parcel be submitted to, and approved by the Director of Planning Services and the General Manager/City Engineer, prior to the issuance of a building permit for the new dwellings in order for staff to ensure that the design of the new dwellings respects the character of the surrounding neighbourhood.
15. That a site plan be submitted to, and approved by the Director of Planning Services and the General Manager/City Engineer and the City Engineer, prior to the issuance of a building permit for the new dwellings on the severed and retained parcels indicating:

- a) The location and design of the new dwellings;
- b) All trees impacted by the development, identifying trees to be retained, removed or replaced and methods to protect the trees to be retained during all phases of construction;
- c) That the location of the new dwellings maintains a setback that is in character with the surrounding area;
- d) Grading, drainage and servicing information.

16. That a tree inventory and conservation plan be prepared to identify trees to be retained and removed. Specific efforts shall be made to retain the mature trees located on the subject property. Butternut trees must be retained with appropriate setbacks as established by the Ministry of Natural Resources. The tree conservation plan shall be submitted to and approved by the Director of Community Design and Development Services prior to any grading, tree removal and the issuance of a building permit for the new dwelling on the severed parcel;

17. That the applicant shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsonation of the deeds, at the rate in effect at the time of the endorsonation.

18. Prior to the issuance of any building permit for the lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City;

19. 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.

20. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to February 17, 2013.

21. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.

22. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land

Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.

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

Carried

City Solicitor D. Jaques arrived at the meeting to explain to the Committee about the status of the regulations related to shared rental housing and the Interim Control By-law. She explained that on January 30, 2012, City Council withdrew the zoning regulations related to shared rental housing which is currently before the Ontario Municipal Board and directed staff to bring forward a request to repeal the Interim Control By-law at a subsequent Council meeting. She advised that she believed the report is going to Council for their consideration on February 27, 2012. She noted that in her opinion, there is no reason to believe it will not be repealed. She explained the Committee has the option of deferring any Interim Control By-law variances until after the Council meeting.

Application: **A-16/12**

Owner: **Chris Bradley Landscape Group Ltd.**

Agent: **Chris Bradley**

Location: **22-24 Sultan Street**

In Attendance: **Chris Bradley**

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

Mr. Bradley replied yes, the sign was posted and he did receive the staff comments. He explained the application is for extending the use by improving the dwelling by adding a laundry room and a bathroom for both units. He further explained the back part of the dwelling is in decay and needs to be demolished.

There were no questions from the Committee.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by J. Andrews and seconded by A. Diamond,

“THAT in the matter of an application under Section 45(2)(a)(i) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to extend the legal non-conforming use at 22-24 Sultan Street, to construct a 3 metre by 7.4 metre (10 foot by 24.4 foot) addition to the rear of the building which will be situate 5.4 metres (17.7 feet) from the right and left side lot lines and 17.95 metres (58.9 feet) from the rear lot line, be approved.”

Carried.

A brief discussion took place regarding administration fees for application A-2/12 for 297-299 Eramosa Road due to the sudden withdrawal of the application.

Moved by B. Birdsell and seconded by J. Andrews,

“THAT an administration fee in the amount of \$217.00 be paid prior to reconsideration of the application for A-2/12 for S & W Developments Inc. at 297-299 Eramosa Road to cover the costs associated with carrying the file forward until the notification from the agent, received on February 10, 2012.”

Carried.

Application:	A-18/12
Owner:	Maxine Reinhart
Agent:	Trudy Dickinson
Location:	61 Kirkland Street
In Attendance:	Trudy Dickinson Joanne and Neil Ryan

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

Ms. Dickinson replied yes, she did post the sign and she also received the staff comments. She explained she is changing the plans for the house and is asking for a deferral. She further explained she will be asking for a side yard variance for both side yards.

There were no further questions from the Committee.

Moved by A. Diamond and seconded by J. Hillen,

“THAT Application A-18/12 at 61 Kirkland 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.”

Carried

Application: **A-19/12**

Owner: **Wilfred Dopheide**

Agent: **Moon Heath LLP**

Location: **122 McArthur Crescent**

In Attendance: **Wilfred Dopheide**

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

Mr. Dopheide replied yes, the sign was posted and he also received the staff comments. He explained he understands there are changes coming forward regarding the Interim Control By-law and is therefore asking for a deferral. He commented he has been scheduled to return to the February 28th meeting.

There were no questions from the Committee.

Moved by J. Andrews and seconded by A. Diamond,

“THAT Application A-19/12 for Wilfred Dopheide at 122 McArthur Crescent, be deferred until the February 28, 2012 Committee of Adjustment regular meeting and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

Application: **A-15/12**

Owner: **Bruce Everitt and Lora Gatto**

Agent: **n/a**

Location: 106 Clough Crescent

In Attendance: Bruce Everitt
Lora Gatto
Lianne Cooley

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

Mr. Everitt replied yes, the sign was posted and they did receive staff comments. He commented that the Interim Control By-law is potentially not an issue. He explained they wish to keep the accessory apartment and will need to widen the driveway to 5 metres which constitutes 62.5% of the front yard. He further explained when the dwelling was built in 2009 the building floor plans included a rough-in for the kitchen and bathroom in the basement, which were inspected by City staff. He continued by explaining they installed the necessary fire door and there are separate hydro and water meters going in to the basement. He commented the apartment is there with the approval of City as per plans.

Committee member B. Birdsell commented the installation of dual water meters needs to be investigated further.

Planner R. Kostyan commented if the Committee wishes her to investigate the issue with dual water meters she would need time to investigate the matter.

Ms. L. Cooley, co-owner of 119 Clough Crescent, explained they were of the understanding that the neighbourhood would be consisting of more detached houses than semis. She expressed a concern that a number of the properties in the area are being rented and the garages are too small to park a vehicle in them. She further explained there is very limited green space potential for these homes and by widening the driveways is not going to improve the situation. She expressed concern on excessive parking on front yards if more accessory apartments are being approved. She commented they do not wish to have high density residential in their neighbourhood and is concerned that by approving one variance, others will be approved as well.

Committee member J. Andrews commented accessory apartments are permitted in this zone with a size limitation of 45% of the gross floor area.

Chair D. Kelly commented the apartment would be allowed if you can support the required parking on the property.

Planner R. Kostyan commented for the Committee's information that there was an application made for a driveway width variance at 104 Clough Crescent however that application was withdrawn.

Mr. Everitt, also the owner of 104 Clough Crescent, explained there was an apartment created at 104 Clough Crescent but it has since been removed. He commented the houses on Clough Crescent all have an issue with driveways being too narrow. He noted they would rather have the tenants park in the driveway than on the street.

Mr. A. Savich, a resident on Howden Crescent, commented the houses with a different zone in the neighbourhood are allowed to have as wide a driveway as what 106 Clough Crescent is asking for. He continued by commenting the driveway in question is consistent with the neighbourhood design overall.

Planner R. Kostyan explained City Zoning staff has been inspecting Clough Crescent due to driveway widening issues.

Chair D. Kelly clarified the Committee of Adjustment decisions do not set precedence.

Committee member A. Diamond requested the Committee split the requests for the Committee's consideration.

Moved by A. Diamond and seconded by J. Andrews,

"That the Committee consider the variance requests for 106 Clough Crescent into separate resolutions."

Carried.

Decision 1 of 3

Moved by A. Diamond and seconded by J. Andrews,

"THAT Application A-15/12 for Bruce Everitt and Lora Gatto at 106 Clough Crescent, a variance from Interim Control By-law (2010)-19019 for 106 Clough Crescent, to permit an accessory apartment in the basement when the Interim Control By-law passed by City Council on June 7, 2010 prohibits the creation of new accessory units in R.1 and R.2 zoned portions of Ward 5 and all of Ward 6, 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."

Carried.

Decision 2 of 3

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

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

Moved by J. Andrews and seconded by A. Diamond,

“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 Table 5.2.2 Row 15 of Zoning By-law (1995)-14864, as amended, for 106 Clough Crescent, to permit a driveway width of 5 metres (16.4 feet) when the By-law permits a driveway width of 3.2 metres (10.5 feet), be refused.”

Carried.

Decision 3 of 3

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 A. Diamond,

“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 4.13.4.3 of Zoning By-law (1995)-14864, as amended, for 106 Clough Crescent, to permit two off-street parking spaces (one in the garage and one in the driveway) when the By-law requires three off-street parking spaces are provided for a dwelling with an accessory apartment, be refused.”

The Motion would not carry.

Moved by B. Birdsell and seconded by J. Andrews,

“THAT Application A-15/12 for Bruce Everitt and Lora Gatto at 106 Clough Crescent, be deferred to the March 13, 2012 meeting of the Committee of Adjustment, to enable staff to provide a report to the Committee on the investigation of dual water meters being approved and installed by City staff, and in accordance with the Committee’s policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.”

Carried.

Application: A-12/12

Owner: Shao Ming Ren, Xiao Ling Ma, Shao Qing Ma

Agent: Richard Yam

Location: 88 Amsterdam Crescent

In Attendance: Richard Yam
Shao Qing Ma

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

Mr. R. Yam replied yes, the sign was posted and the staff comments were received. He expressed concern that the reason the application could be refused would be the fact that neighbours are concerned about future problems with noise etc. which relate to rental housing.

Planner R. Kostyan explained there are six bedrooms in the upper unit which could become an illegal lodging house. She further explained that the Zoning Inspector has asked the owners for a letter confirming if the main unit is being rented out. She noted until a letter confirming the use of the house is received, a violation might exist. She continued by explaining that a dwelling cannot have both an accessory apartment and a lodging house.

Ms. S. Qing Ma explained her sister will reside in the basement and the upper unit is for her family.

Chair D. Kelly explained a letter stating this fact has been requested by Zoning Services to confirm in writing that the applicants are not using the dwelling as a lodging house.

Mr. R. Yam replied they do not have a written letter to confirm this.

Committee members encouraged the applicant to submit the documentation required to staff and reconsideration of the application would be delayed until this information was received.

Moved by J. Andrews and seconded by A. Diamond,

“THAT Application A-12/12 for Shao Ming Ren, Xiao Ling Ma and Shao Qing Ma at 88 Amsterdam Crescent, be deferred sine die, until the Zoning Inspector receives a letter from the owners confirming the main and upper floors of the dwelling are not being used as a lodging house, and that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral.”

Carried

Application: A-13/12

Owner: Shao Ming Ren and Shao Qing Ma

Agent: Richard Yam

Location: 389 Ironwood Road

In Attendance: Richard Yam
Shao Qing Ma

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

Mr. R. Yam replied yes, the sign was posted and staff comments were received. He had no further information to add to the application.

The Committee discussed the application briefly and felt it would be best to defer the application pending the repeal of the Interim Control By-law.

Moved by J. Andrews and seconded by J. Hillen,

“THAT Application A-13/12 for Shao Ming Ren and Shao Qing Ma at 389 Ironwood Road, be deferred until a Council resolution has been rendered regarding the repeal of the Interim Control By-law (2010)-19019.”

Carried

Application: A-11/12

Owner: Matthew Drummond

Agent: n/a

Location: 16 Briarlea Road

In Attendance: Matthew Drummond
Jane Fridrich

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

Mr. M. Drummond replied yes, the sign was posted and the staff comments were received. He explained he has five tenants in the house and is applying for a variance to permit a lodging house. He commented the property is well maintained and if the Interim Control By-law would not be in place, it would meet all the regulations.

Ms. J. Fridrich, a resident of 26 Briarlea Road, commented the street is oversaturated with rental housing and she has called By-law Enforcement several times due to problems with rental housing in her neighbourhood. She explained they are looking to seek some relief from the City and is hoping the application will be refused.

Chair D. Kelly advised an accessory apartment or a lodging house in this zone are permitted uses. She explained the variance is from the Interim Control by-law which is going to be repealed by Council. She commented this dwelling would meet all the requirements of the by-law if the Interim Control By-law was not in place.

Secretary Treasurer K. Fairfull commented the Council is looking at a licensing program for rental housing. She advised those in attendance speak to councillors about the issues people are having in their neighbourhoods and to promote the licensing program.

Moved by J. Hillen and seconded by J. Andrews,

“THAT Application A-11/12 for Matthew Drummond at 16 Briarlea Road, be deferred until a Council resolution has been rendered regarding the repeal of the Interim Control By-law (2010)-19019.”

Carried

Application:	A-14/12
Owner:	Hoa Vang
Agent:	Huy Ton
Location:	425 Cole Road
In Attendance:	Huy Ton Rosemarie Mazzocca Lane and Doug Aspinall Tom and Marilyn Nolan Mary and Gary Dunk Krys and Mike Mooney Mike Floto

Chair D. Kelly explained currently the Ontario Municipal Board is dealing with an appeal for a lodging house at 415 Cole Road. She explained if the Board refuses that appeal the variance can be brought forward for 425 Cole Road. She continued by explaining that if the Board allows the lodging house at 415 Cole Road, 425 Cole Road will have to return to the Committee to apply for a 100 metre separation distance variance. She commented a deferral for this application might be preferable.

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Mr. H. Ton explained the dwelling has five bedrooms. He commented he was not aware of the fact that renting out five bedrooms creates a lodging house. He explained he is following the advice of the Zoning Inspector by applying for the variance but after April he will only rent four units. He noted he is able to convert one of the bedrooms back to a living room.

Planner R. Kostyan commented that the Ontario Municipal Board hearing for 415 Cole Road is on March 1, 2012. She recommended a deferral of this application until staff has received the results of the hearing.

Moved by J. Andrews and seconded by B. Birdsell,

“THAT Application A-14/12 for Hoa Vang at 425 Cole Road, be deferred until either a decision has been received from the Ontario Municipal Board dealing with the variance from the Interim Control By-law (2010)-19019 to permit a lodging house at 415 Cole Road or alternatively until City Council repeals the Interim Control By-law (2010)-19019, to identify if a separation distance variance is required for 425 Cole Road, and in accordance with the Committee’s policy on applications deferred, that the deferral application fee be paid prior to reconsideration of the application.”

Carried

Committee members explained the matters before City Council respecting shared rental housing and encouraged concerned neighbours to be involved in the licensing process being considered by City Council.

The meeting adjourned at 7:46 p.m.

D. Kelly
Chair

Minna Bunnett
Assistant Secretary-Treasurer

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday February 28, 2012 at 4:00 p.m. in Meeting Room B, City Hall, with the following members present:

J. Hillen
B. Birdsell
J. Andrews
D. Kelly, Chair

Regrets: L. McNair
R. Funnell
A. Diamond

Staff Present: R. Kostyan, Planner
K. Fairfull, Secretary-Treasurer
M. Bunnett, Assistant Secretary-Treasurer

Declarations of Pecuniary Interest

Committee member J. Hillen declared a pecuniary interest for Application A-34/12 at 525 Grange Road as his employer has a working relationship with the applicant. There were no further declarations of pecuniary interest.

Meeting Minutes

Moved by J. Andrews and seconded by J. Hillen,

“THAT the Minutes from the February 14, 2012 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

Other Business

The Assistant Secretary-Treasurer informed several emails and letters were received today in opposition of application B-8/12 for 161 Neeve Street. She noted the correspondence has been circulated for Committee members for review.

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The Assistant Secretary-Treasurer informed the Committee that a letter in opposition from the Ministry of Transportation has been circulated to the Committee members and the applicant regarding application B-11/12 for 817 Hanlon Road.

Planner R. Kostyan noted a letter was received from Ontario Municipal Board on February 24, 2012 informing that the Interim Control By-law is no longer in effect.

Staff advised the Committee that the applicant for 248 Water Street was in the audience.

The Committee members informed the owner of 248 Water Street, application number A-28/12, that his application for a minor variance from the Interim Control By-law is no longer required. The Committee members discussed a refund of the application fees.

Moved by J. Andrews and seconded by J. Hillen,

“THAT the Secretary-Treasurer refund 50% (\$216.50) of the application fee for application A-28/12 at 248 Water Street.”

Committee member J. Hillen, having declared a pecuniary for the following application, left the room at 4:10 p.m.

Application: **A-34/12**
Owner: **Upper Grand District School Board**
Agent: **Zas Architects Inc.**
Location: **525 Grange Road**
In Attendance: **Blair Capling**

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

Mr. B. Capling replied the sign was posted and they have received staff comments. He explained the school very rarely occupies both the gym and class rooms at the same time but this is why they need a variance for off-street parking.

The Committee had no further questions for the applicant.

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

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

Moved by B. Birdsell and seconded by J. Andrews,

“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 4.13.4.4 of Zoning By-law (1995)-14864, as amended, for 525 Grange Road, to construct a 266 square metre (2,863.2 square foot) one storey addition and to permit 74 off-street parking spaces when the By-law requires 80 off-street parking spaces,

be approved subject to the following condition:

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 buildings, 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 a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.”

Carried

Committee member J. Hillen was summoned back to the room at 4:12 p.m.

Application: B-12/12
Owner: Fix Inc.
Agent: L. Alan Grinham Architect Inc.
Location: 5 and 7 Cambridge Street
In Attendance: Lloyd Grinham
Tanis Maynard-Langedijk

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

Mr. L. Grinham replied the sign was posted and the staff comments were received. He explained they have reviewed the severance several times with Building Services and Zoning and had no further comments to add to his application.

The Committee members had no questions for the applicant.

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

Moved by J. Andrews and seconded by J. Hillen,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 582, Registered Plan 8, 7 Cambridge Street, a parcel with a frontage along Cambridge Street of 8.754 metres and a depth of 29.671 metres,

- a) together with easements (Parts 4 and 6 on draft Reference Plan, project number 10-8675) which runs behind the dwelling at 5 Cambridge Street and along the left rear side yard of 3 Cambridge Street, for protection of an existing sanitary sewer lateral serving 7 Cambridge Street,
- b) together with a right-of-way (Parts 7, 8 and 9 of draft Reference Plan, project number 10-8675) to provide vehicular access to off-street parking spaces in the rear yards of 5 and 7 Cambridge Street,

be approved subject to the following conditions:

- 1. That prior to endorsation of the deeds, a one hour fire separation must be provided to separate the two dwelling units. This fire separation must extend vertically from the basement through all storeys into the attic space. A building permit will be required to construct this fire separation if it does not exist.
- 2. That prior to endorsation of the deeds, proper access hatches must be provided into the attic space for each dwelling unit.
- 3. That prior to endorsation of the deeds, the owner shall pay to the City, the watermain frontage charge of \$8.00 per foot for 55.65 feet (16.961 metres) of frontage on Cambridge Street.
- 4. That the owner enters into a Storm Sewer Agreement, as established by the City, providing a grading and drainage plan, registered on title, prior to endorsation of the deeds.
- 5. Prior to endorsation of the deeds, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.

6. Prior to endorsation of the deeds, the owner shall verify the location and position of the existing sanitary sewer laterals and water service laterals serving both 5 and 7 Cambridge Street.
7. Prior to endorsation of the deeds, the owner shall have a licensed Master Plumber certify in writing that the plumbing inside each unit is separate from and independent of the plumbing in the other unit.
8. That prior to endorsation of the deeds, the servient tenement (5 Cambridge Street), grants an easement approximately 3.0-metres (10.0 feet) to approximately 3.144-metres (10.31 feet) wide by approximately 8.414-metres (27.60 feet) to approximately 8.398-metres (27.55 feet) long (Proposed Part 4), registered on title, in favour of the dominant tenement (7 Cambridge Street) for the existing sanitary sewer lateral.
9. That prior to endorsation of the deeds, the servient tenement (3 Cambridge Street), grants an easement approximately 0.68-metres (2.23 feet) to approximately 0.713-metres (2.34 feet) wide by approximately 8.286-metres (27.13 feet) to approximately 8.498-metres (27.88 feet) long (Proposed Part 6), registered on title, in favour of the dominant tenement (5 Cambridge Street) for the existing sanitary sewer lateral.
10. That prior to endorsation of the deeds, the servient tenement (3 Cambridge Street) solicitor certifies that the sewer easement, in favour of the dominant tenement (5 Cambridge Street) has been granted and registered on title, in perpetuity.
11. That prior to endorsation of the deeds, the servient tenement (5 Cambridge Street) certifies that the sewer easement, in favour of the dominant tenement (7 Cambridge Street) has been granted and registered on title, in perpetuity.
12. That prior to endorsation of the deeds, the owner's of 3 Cambridge Street and 5 Cambridge Street shall have an Ontario Land Surveyor prepare a reference plan identifying any right-of-ways and conveyances.
13. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to March 2, 2013.
14. 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.

15. 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.
16. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Application: **A-33/12**

Owner: **Fabbian Homes Inc.**

Agent: **Van Harten Surveying Inc.**

Location: **165 Kemp Crescent**

In Attendance: **Paul Magahay**

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

Mr. P. Magahay replied the signs were posted and the staff comments were received. He explained the application is for new on-street townhouses and noted they should have asked for the 47% coverage through zoning. He commented they agree with Engineering's conditions and are currently going through the site plan approval process. He explained the variance for setback from Grange Road is to accommodate services on the site.

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

Moved by J. Hillen and seconded by J. Andrews,

"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 4.24, Table 5.3.2

Rows 8 and 5a, and Section 4.24 of Zoning By-law (1995)-14864, as amended, for 147, 149, 151, 153, 155, 157, 159, 161, 163 Kemp Crescent, to construct 9 on-street townhouse units on Block 21, Registered Plan 61M-175, and to permit

1. a building coverage of 47% for 147, 149, 151, 153, 155, 157, 159, 161, 163 Kemp Crescent, when the By-law permits a maximum building coverage of 40%,
2. 163 Kemp Crescent to be situate 20.47 metres (67.15 feet) from the centre line of Grange Road, when the By-law requires a minimum setback of 21 metres (68.89 feet) from the centre line of Grange Road [5.25 metres (17.2 feet) from the Grange Road property line],

be approved subject to the following condition:

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 buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the General Manager of Planning and the General Manager/City Engineer, prior to the issuance of a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.”

Carried

Application: B-11/12

Owner: Neelam and Chardrakant Kothari

Agent: GSP Group Inc.

Location: 817 Hanlon Road

In Attendance: Bill Green
Chardrakant Kothari

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

Mr. B. Green replied the sign was posted and the staff comments were received. He explained they have no concerns with Engineering's conditions. He commented the owner has been dealing with Ministry of Transportation (MTO) for several years regarding the purchase of part of or all of his property by MTO for a possible future interchange. He further noted the owner asked the MTO to expropriate his property but MTO has refused the request. He noted his client feels the staff comments are fair and accurate and feels that the Committee could

support the application. He continued by noting the proposed severed land complies with the Zoning By-law regulations and is compatible with the other properties in the area. He commented that the application is completely compatible with the surrounding neighbourhood and is a legitimate expression to utilize the large property with a more intensive use. He asked the Committee to either approve or refuse 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 J. Andrews and seconded by J. Hillen,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 9, Division G Concession 5, to be known municipally as 811 Hanlon Road, with a width of 15.13 metres (49.6 feet) and a depth of 30.4 metres (99.7 feet), be refused.”

Carried

Application: **A-17/12**

Owner: **Tanya Mayers**

Agent: **n/a**

Location: **44 Clough Crescent**

In Attendance: **Tanya Mayers**
 Alice Stanivuk

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

Ms. T. Meyers replied the sign was posted and the comments were received. She explained that the variance is for less than a metre of an extension to the driveway. She noted the walkway has been extended along the driveway but also along the side of the dwelling leading to a side door. She commented that the neighbourhood is parking horizontally at the end of their driveways and on the grass. She continued by commenting her driveway looks nice, prevents her from parking on the grass while still leaving plenty of landscaping on her front yard.

Committee member J. Hillen questioned whether the owner parks her vehicle in the garage.

Ms. T. Meyers replied due to the small size of the garage, she does not park in the garage.

Ms. A. Stanivuk, owner of 46 Clough Crescent, explained she has also extended her driveway due to the fact that otherwise the driveway could not accommodate two vehicles while the third car is parked in the garage.

Planner R. Kostyan explained the City's townhouse zones have been designed to park one car in the garage and only one car in the driveway.

Chair D. Kelly noted that townhouse dwellings were not built to handle a large volume of parking and were not intended to have parking for more than two vehicles per dwelling.

Ms. A. Stanivuk commented there is no room to park vehicles on the street especially when overnight parking is not allowed.

Planner R. Kostyan commented that several variance applications have been filed on Clough Crescent due to violations of wide driveways or parking on the grass. She explained that the walkway adjacent to the driveway is permitted as long as it is not being used for parking. She noted the parking of a vehicle horizontally on City property at the end of the driveway is not allowed.

Chair D. Kelly informed the people in attendance that the Zoning Inspector is addressing the driveway width violations on Clough Crescent by sending letters to home owners.

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

Moved by B. Birdsell and seconded by J. Andrews,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 5.3.2.8 of Zoning By-law (1995)-14864, as amended, for 44 Clough Crescent, to permit a driveway width of 4.3 metres (14.10 feet), when the By-law requires the driveway width not exceed the garage width of the unit, as measured from the outside walls of the garage [3.708 metres (12.16 feet)], be refused."

Carried

Application: A-28/12

Owner: Andrew Arklie

Agent: n/a

Location: 248 Water Street

In Attendance: Andrew Arklie

The Committee did not consider the application due to the fact that they have been advised the Interim Control By-law is no longer in effect and the variance for application A-28/12 is no longer required.

Application: A-29/12

Owner: Skyline Estate Holdings Inc.

Agent: Astrid J. Clos Planning Consultants

Location: 1 Douglas Street

In Attendance: Astrid Clos
Jason Ashdown
Bernie Dyre

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

Ms. Clos replied that the notice sign was posted and comments were received from staff. She explained that the owner of the building and the owner of the restaurant are in attendance if the Committee has any questions. She explained they plan to establish an Italian restaurant on the premises with a large wood oven. She noted the restaurant would have a capacity of 125 persons and with the use of the outdoor patio (seasonal) 181 total patrons would be permitted in the establishment. She noted there were regulations introduced into the Zoning By-law to deal with the bars being established in the downtown. She advised the proposed restaurant meets the requirements for a licensed establishment however it exceeds the maximum floor area set out in the by-law. She explained Unit 1C is part of the Victoria Building and the tenant would like to utilize the existing stone walls as the limits for the unit. She explained the owner, Skyline, will be moving their head office into the Gummer redevelopment and there is no interest in a nightclub being located in the building. She advised the Committee received three letters in support of the application and the staff comments have no concerns with the application. She requested the Committee consider extending the liquor sales to 1:00 a.m. as the owner plans to provide New Years Eve packages or offer services for a party of 8-12 that would have an anniversary dinner which could extend beyond 12 a.m. She noted other

restaurants in the downtown do not have that same restriction and noted being open beyond 12:00 a.m. would not happen often.

Committee member J. Hillen questioned if the unit could be converted to a nightclub.

Planner R. Kostyan replied this was a concern from staff and the recommendation restricting the hours of operation was put forward.

Committee member B. Birdsell noted they would have to amend the liquor license and the licensing authority could receive public comment at that time.

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

Moved by B. Birdsell and seconded by J. Andrews,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 5.3.2.5.2 of Zoning By-law (1995)-14864, as amended, for 1 Douglas Street, to establish a 383 square metre (4,122.57 square foot) restaurant on the main floor (Unit 1C) and to permit the licensed area to be 383 square metres (4,122.57 square feet) when the By-law requires the floor area of a licensed establishment not exceed 230 square metres (2,475.69 feet), be approved, subject to the following condition:

1. That liquor sales cease as of 1:01 a.m. for the licensed establishment.”

Carried

Application: A-27/12

Owner: Igor Zaitsev

Agent: n/a

Location: 34 Simmonds Drive

In Attendance: Igor Zaitsev

The Secretary-Treasurer summarized an opposing email received from a resident at 35 Simmonds Drive.

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

Mr. Zaitsev replied he posted the notice sign and comments were received from staff. He explained he required a wider driveway to support an accessory unit in his basement. He explained the driveway widening is minimal and the extra width is supported by patio stones placed along the driveway.

Committee member J. Andrews questioned if the need for extra parking is related to a rental unit.

Planner R. Kostyan replied there is an accessory unit in the basement however there is no building permit for the accessory apartment.

Chair D. Kelly questioned if the apartment could exist without the parking variance.

Planner R. Kostyan explained the owner built an accessory apartment and in order to legalize the unit he needs a 5 metre driveway width to accommodate the required 3 parking spaces. She noted the By-law permits the driveway to occupy a maximum width equal to 50% of the lot frontage which is 4.36 metres maximum width.

Chair D. Kelly commented it is very difficult to construct an accessory apartment in some semi-detached zones because of the lot frontage.

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

Moved by J. Hillen and seconded by J. Andrews,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 5.2.3.13.1.2 of Zoning By-law (1995)-14864, as amended, for 34 Simmonds Drive, to permit a driveway width of 5 metres (16.4 feet) which constitutes 57.4% of the front yard when the By-law requires that the driveway shall not constitute more than 50% of the front yard [4.36 metres (14.3 feet)], to support the parking required for an accessory unit, be refused.”

Carried

Application: A-21/12

Owner: Malgorzata, Michael and Piotr Szal

Agent: n/a

Location: 16 Clough Crescent

In Attendance: Malgorzata Szal
Andrew Marrett

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

Ms. Szal replied the notice sign was posted and comments were received from staff. She explained her son and three other students live at the unit. She explained the tenants need their cars as the bus service is not consistent and they live far away from the University of Guelph. She advised there is no on-street parking permitted in the winter months, therefore the driveway has been widened to accommodate the parking for the tenants. She noted the balance of the front yard would be supported with grass and plantings.

Planner R. Kostyan explained that the on-street townhouse has a frontage of 6 metres wide and the proposed driveway would result in 0.9 metres of grassed area. She explained the By-law only permits a driveway width equal to the width of the garage 3.15 metres and the applicant is requesting a driveway of 5.1 metres in width.

Andrew Marrett, who owns 22 Clough Crescent questioned why driveway extensions are not permitted. He noted there are materials that can be utilized for driveways where grass grows through the bricks and gives the impression there is a grassed area.

Planner R. Kostyan explained that the intent of the Zoning By-law in restricting a driveway to a maximum of the garage space is to ensure there is enough green space on the street and that it does not look like a parking lot where cars would dominate the streetscape. She noted one of the parking spaces must be provided in the attached garage.

Chair D. Kelly noted the houses on this street were not built to support accessory apartments with additional parking. In terms of the parking enforcement issue, it is being enforced as applications are being dealt with by the Committee.

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

Moved by J. Andrews and seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 5.3.2.8 of Zoning By-law (1995)-14864, as amended, for 16 Clough Crescent, to permit a driveway width of 5.1 metres (16.83 feet) when the By-law requires the driveway width not exceed the garage width of the unit, as measured from the outside walls of the garage [3.15 metres (103 feet)], be refused.”

Carried

Application: **A-30/12**

Owner: **Sheldon Davis**

Agent: **n/a**

Location: **88 Paisley Street**

In Attendance: **Sheldon Davis**

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

Mr. David replied the notice sign was posted and comments were received from staff. He explained he met with Planning staff prior to submitting the application and their concerns about fire protection were voiced at that time. He met with fire prevention staff and received a letter from them that they had no concern with no interconnection for fire-fighting because of the layout of the building. He explained the previous owner was granted permission for the accessory unit in 2004 and after the approval the owner blocked off access to the accessory unit in the basement. He noted they purchased the building and thought they were purchasing a legal apartment; however, when they recently applied for a building permit for renovations in the building they were advised the inter-connection must be provided.

Committee member J. Andrews questioned if the accessory unit met all the requirements of the Zoning By-law, with the exception of the inter-connection.

Planner R. Kostyan noted the intent of the Zoning By-law is to provide interconnection for emergency workers and to keep the unit accessory sub-ordinate to the main unit so a duplex is not created. She noted the removal of the inter-connection is one step closer to creating an duplex.

Committee member J. Hillen noted the owner will require a building permit.

Mr. Davis replied he will obtain a building permit and fire separations will be provided between the two units.

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

Moved by B. Birdsell and seconded by J. Andrews,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.15.1.6 of Zoning By-law (1995)-14864, as amended, for 88 Paisley Street, to permit an accessory apartment in the basement without providing interior access between the accessory apartment and the host dwelling unit when the By-law requires that interior access is provided between floor levels and between the accessory apartment and the host dwelling unit, be approved.”

Carried

Application:	A-19/12
Owner:	Wilfred Dopheide
Agent:	n/a
Location:	122 McArthur Crescent
In Attendance:	Wilfred Dopheide Richard Woolfrey Margaret Annand Roseanne Jackson Marilyn and Robert Dautovich Heather and Ian Raynor

Chair D. Kelly addressed the Interim Control By-law being rescinded by the Ontario Municipal Board and noted the Committee will be dealing with the off-street parking variance only.

Mr. Woolfrey, on behalf of his client, agreed to withdraw the variance to the Interim Control By-law.

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

Mr. Woolfrey replied the notice sign was posted and comments were received from staff. He explained staff opposes the request to reduce the number of off-street parking spaces being provided as three off-street parking spaces are required to support the accessory unit. He questioned how the applicant could meet the intent of the By-law.

Planner R. Kostyan explained the intent of the Zoning By-law is to provide 3 parking spaces to support the host unit and the accessory unit and the parking required be provided on the property. This ensures there is adequate on-street parking for visitors.

Rick Woolfrey explained the owner recently moved to Guelph because his family lives here. He noted his step daughter plans to move into the main unit and he would occupy the accessory unit as he plans to travel the majority of the year. He noted three parking spaces are not required as he will not be there 6 months/year. He noted they do not want to upset the aesthetics of the streetscape as it affects the abutting semi-detached unit by extending the driveway to provide the required three spaces.

Marilyn Dautovich who resides at 108 McArthur Crescent expressed concerns about parking on the street and the inability of the snow plough to have clear access. She noted there is no parking on the street for guests as the parking associated with the many accessory units is utilizing the spaces.

Ian Raynor who resides at 112 McArthur Crescent expressed his concerns related to the parking on the street. He noted he purchased the property as it was located on a quiet street and felt parking would not be an issue. He noted there are restrictive covenants for the buildings in the area and variance should not be allowed.

Roseanne Jackson, who resides next door, expressed her concern that the apartment was created without a building permit. She noted there are 4 residents in the house now and there is no parking on the street overnight. She noted the applicant needs to meet the requirements of the Zoning By-law to support an accessory unit.

The Committee agreed to withdraw the request for a variance to the Interim Control By-law as it is no longer necessary.

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

Moved by B. Birdsell and seconded by J. Hillen,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.13.4.3 of Zoning By-law (1995)-14864, as amended, for 122 McArthur Crescent, to permit an accessory apartment in the basement and to permit two off-street parking spaces when the By-law requires three off-street parking spaces for semi-detached dwellings with an accessory apartment, be refused.

Reasons for refusal being:

1. Approval of only two parking spaces would not meet the intent of the by-law and will not be good planning.”

Carried

Application: B-8/12

Owner: Paul Martin

Agent: Black, Shoemaker, Robinson and Donaldson

Location: 161 Neeve Street (Richardson Street)

In Attendance: John Sanvido
Nancy Shoemaker
Brad Moore

The Secretary-Treasurer advised further correspondence was received on the application which was distributed to the Committee members for reading. She further summarized the emails received in opposition of the application, and a petition submitted in opposition of the application was also received from the neighbours in the area.

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

Ms. Shoemaker replied the notice sign was posted and comments were received from staff. She noted the owner made application for a rezoning of the subject property to permit a semi-detached building in December 2010. She noted there was strong opposition from the neighbourhood so the application was withdrawn and an application was submitted for severance to construct a single home only. She noted that some of the communications received today by the neighbours relate to the concerns about two houses being constructed. She noted the retained parcel is a legal non-conforming duplex dwelling which had a commercial component at one time. She provided background on why the proposed severance complies with the Official Plan, the Growth Plan and the Provincial Policy Statement, all which

promote infill development in the built up areas. She explained an engineering consultant and Grand River Conservation Authority has reviewed the site and has no concerns. She noted staff is in support of the application and noted three off-street parking spaces will be provided to support the single dwelling use.

Mr. Brad Moore expressed concern that there are seven university students residing in the retained parcel and expressed concern another dwelling would be added to support more students. He noted this use creates noise and more cars where there is no provision for on-street parking now. He expressed further concern about the garbage and litter on the property.

Committee member B. Birdsell questioned if the neighbours have contacted By-law enforcement to deal with garbage concerns.

He replied he has not called but his neighbours have called.

The Committee questioned if the required parking spaces are provided for the retained parcel.

Planner R. Kostyan replied that 161 Neeve Street has a driveway width of 3.6 metres and three parking spaces are provided in the rear yard, which complies to the use in the building. She further noted staff has requested the owner submit a site plan for the severed parcel to staff for review to ensure the required parking is provided.

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

Moved by J. Andrews and seconded by J. Hillen,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 146, Registered Plan 113, to be known as 47 Richardson Street, a parcel with a frontage of 18.5 metres (60.69 feet) along Richardson Street and depths of 63.484 metres (208.28 feet) and 46.056 metres (151.1 feet), 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 60.70 feet (18.50 metres) of frontage on Richardson Street.
2. That the owner pays the actual cost of the removal of the existing asphalt pavement within the road allowance from the existing driveway entrance including the required curb fill and replacing it with topsoil and sod to the satisfaction of the General Manager/City Engineer, 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.

3. That the owner pays the actual cost of constructing new service laterals to the proposed severed lands including the cost of any curb cuts or fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
4. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsonation of the deeds.
5. That the owner constructs the new dwelling at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
6. That prior to the issuance of any building permits on the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed severed lands.
7. That the owner pays the actual cost of the construction of the new driveway entrance and the required curb cut, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
8. That a legal off-street parking space be created on the severed lands at a minimum setback of 6-metres from the Richardson Street property line.
9. That the owner shall pay for all the costs associated with the removal of the existing shed and asphalt pavement from the lands to be severed to the satisfaction of the General Manager of Planning and Building Services, prior to endorsonation of the deeds.
10. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed severed lands, prior to the issuance of any building permits.
11. That the existing asphalt driveway on the western portion of the severed parcel be removed at the owner's expense.
12. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
13. That the elevation and design drawings for the new dwellings on the severed parcel be submitted to, and approved by the General Manager of Planning Services, prior

- to the issuance of a building permit for the new dwellings in order for staff to ensure that the design of the new dwellings respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
14. That a site plan be submitted to, and approved by the General Manager of Planning & Building Services and the City Engineer, prior to the issuance of a building permit for the new dwellings on the severed parcels indicating:
 - a. The location and design of the new dwellings;
 - b. All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
 - c. The location of the new dwellings with a setback that is in character with the surrounding area;
 - d. Grading, drainage and servicing information.
 15. That prior to the issuance of a building permit for the severed parcels, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning & Building Services.
 16. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
 17. That prior to issuance of building permit, the applicant makes arrangement with the technical services department of Guelph Hydro Electric Systems Inc. for hydro servicing to the newly created lot. The servicing costs would be at the applicant's expense.
 18. That prior to endorsonation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer and the Manager of Planning Services, agreeing to satisfy the above-noted

conditions and to develop the site in accordance with the approved plans.

19. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to March 2, 2013.
20. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
21. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
22. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

The meeting adjourned at 7:02 p.m.

D. Kelly
Chair

Minna Bunnett, ACST(A)
Assistant Secretary-Treasurer

Kim Fairfull, ACST
Secretary-Treasurer

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday March 13, 2012 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell
J. Hillen
B. Birdsell
J. Andrews
A. Diamond
L. McNair – Chair
D. Kelly, Vice-Chair

Staff Present: R. Kostyan, Planner
K. Fairfull, Secretary-Treasurer
M. Bunnett, Assistant Secretary-Treasurer

Declarations of Pecuniary Interest

Committee member B. Birdsell declared a pecuniary interest for #3 on the Agenda being Application A-39/12 as he is the architect.

There were no further declarations of pecuniary interest.

Meeting Minutes

Moved by B. Birdsell and seconded by J. Hillen,

“THAT the Minutes from the February 28, 2012 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

Other Business

The Secretary-Treasurer advised the Committee members the annual Ontario Association of Committees of Adjustment and Consent Authorities conference is held in Burlington from June 3, 2012 to June 6, 2012. Jeff Hillen and Antoin Diamond expressed interest to attend.

The Secretary-Treasurer advised a letter was received from the Ontario Municipal Board regarding application A-105/11 for 22 Mason Court, which was refused by the Committee. The

Board advised the appeal has been withdrawn as the Interim Control By-law is no longer in effect.

The Secretary-Treasurer advised a memorandum of oral decision was issued by Ontario Municipal Board regarding Application A-83/11, 12 Balfour Court, which was distributed to Committee members. She explained the appeal is allowed and the accessory apartment size variance is authorized.

The Secretary-Treasurer advised a memorandum of oral decision was issued by Ontario Municipal Board regarding Applications A-86/11 for 27 Westra Drive and A-87/11 for 29 Westra Drive, which was distributed to Committee members. She explained the appeals were allowed and the side yard variances were approved.

The Secretary-Treasurer advised staff received an appeal for Applications B-10/10, B-11/10, A-12/10, A-13/10 and A-14/10 at 94 Maple Street. She noted the appeal was subsequently withdrawn before the documentation was forwarded to the Ontario Municipal Board.

The Secretary-Treasurer advised she had received requests for refunds from two applicants for applications that were to be considered by the Committee of Adjustment. She noted that after repeal of the Interim Control By-law the minor variances applications were no longer necessary and have been withdrawn. She provided background related to each file. Application A-22/12 for 87 McArthur Drive had paid the full application fee for consideration of the Committee. Application A-6/12 for 61 Vanier Drive paid the full application fee and a deferral fee.

Moved by J. Andrews and seconded by B. Birdsell,

“THAT the Secretary-Treasurer refund 50 % of the application fee (\$216.50) for Application A-22/12 at 87 McArthur Drive.”

Carried.

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

“THAT the Secretary-Treasurer refund the deferral application fee (\$217.00) for Application A-6/12 at 61 Vanier Drive.”

Carried.

The Secretary-Treasurer explained all the minor variance files and appeals related to the Interim Control By-law have been closed. She noted letters were sent to the Ontario Municipal Board and all applicants' advising of the change.

Application: **A-37/12**

Owner: **Victoria Park Village Inc.**

Agent: **Adam Nesbitt**

Location: **1159 Victoria Road South**

In Attendance: **Adam Nesbitt**
 M. Staples

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

Mr. Nesbitt replied he received comments and posted the sign. He noted the use for a temporary sales office is not allowed in this zone however it is allowed in other residential zones. He explained staff has advised the administrative amendments to the Zoning By-law being recommended by staff will permit this use in the zone.

Committee member J. Andrews questioned if the outstanding conditions of the subdivision reference in the staff report relate to the construction trailer.

Planner R. Kostyan noted she spoke with Engineering Services staff about the proposal. She noted there are 13 conditions in the subdivision agreement related to site grading and the conditions would need to be satisfied prior to the building permit for the sales office being issued. She noted staff will not be strongly objecting to the request if the Committee would consider including the works that need to be completed before the sales trailer is constructed.

Chair L. McNair questioned if zoning amendment has not been applied for to date?

Planner R. Kostyan noted an application for red line amendment to the subdivision needs to occur which could take up to 1 year. She noted they have an approved draft plan of subdivision on file if they want to construct the project as approved by Council, they will need to obtain site plan approval, meet the requirements of the subdivision agreement and obtain a building permit.

Chair L. McNair questioned if there is intent to file a red line amendment to the approved plan.

Mr. Nesbitt replied they may need to move zone line and shift some lot lines so those changes may be coming in the plan, however this would not occur in the area where they plan to construct the sales trailer. He advised they agree with the recommendations from the planner and will work on fulfilling the conditions of the subdivision agreement.

Committee member D. Kelly questioned if the conditions recommended and the 3 year time period would satisfy staff requirements.

Planner R. Kostyan replied staff still have concerns as there are many requirements that need to be completed before any building permit could be issued for the sales trailer.

M. Staples who owns the property that borders the property expressed concern that a sales trailer for a period of three years is not a temporary use. She noted the parking for the sales trailer will infringe on the buffer for the wetlands. She questioned why the existing club house could not be used for their sales office. She further noted the trailer would not be connected to City water and sanitary services. She expressed further concern the sales trailer was located too close to the mutual property line.

Planner R. Kostyan noted the location of the sales office and parking lot will be reviewed by the Environmental Planner as part of the site plan approval process. She replied she was unsure if city services to the trailer was mandatory.

Chair L. McNair questioned if the concern about the location of the sales trailer relative to the mutual property line could be forwarded to the Site Plan Committee for their review.

Planner R. Kostyan replied she will advise the site plan committee members. She noted the site plan has not been finalized so what is before the Committee may be different. She explained the applicant is only requesting a variance to the use at this time.

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

Moved by B. Birdsell seconded by J. Andrews,

“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 4.21.1 of Zoning By-law (1995)-14864, as amended, for 1159 Victoria Road South, to establish a temporary real estate sales office when the By-law does not permit occasional uses in the R.4A-39 zone, be approved, subject to the following conditions:

1. That the owner enters into a Site Plan Agreement registered on the title of the property prior to the issuance of a building permit, requiring that the real estate sales office be removed within three (3) years of the issuance of the building permit.
2. That prior to the issuance of a building permit, the owner satisfies conditions 2 to 14 of the Draft Plan of Subdivision pertaining to grading and site alteration.”

Carried

Application: **A-38/12**

Owner: **Rosemary Herbinson**

Agent: **Rosemary Herbinson**

Location: **304 Exhibition Street**

In Attendance: **Joyce Herbinson**
 Jeremy Shrubbs

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

Ms. Herbinson replied the notice signs were posted and comments were received. She explained her house faces Exhibition Street and a rear addition is being proposed, which would be constructed in line with the existing building walls. She noted there are emails and letters submitted in support of the application.

There were no questions from the Committee.

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

Moved by D. Kelly seconded by R. Funnell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 6 and Section 5.1.2.7 of Zoning By-law (1995)-14864, as amended, for 304 Exhibition Street, to permit a 6 metre by 7.3 metre (20 foot by 24 foot) 1½ storey addition to be situate 1.4 metres (4.75 feet) from Robertson Drive when the By-law requires an exterior side yard setback equal to the average of the existing setbacks within the existing block face [6.8 metres (22.5 feet)], be approved.”

Carried

Committee member B. Birdsell, having declared a pecuniary interest for the next application, left the room.

Application: **A-39/12**

Owner: **Alan and Darlene Pasmore**

Agent: **Alan and Darlene Pasmore**

Location: **42 Alma Street South**

In Attendance: **Alan and Darlene Pasmore**

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

Mr. Pasmore relied the notice sign was posted and comments were received from staff. He noted there was concern expressed by Building Services staff concerning windows along the left side lot line. He assured the Committee members they have no intention of installing windows along that lot line on the second floor.

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

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

Moved by J. Andrews and seconded by D. Kelly,

“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 and Section 4.5.1.2 of Zoning By-law (1995)-14864, as amended, for 42 Alma Street South, to permit

- a) a 65 square metre (700 square foot) second storey addition to be situate 0.78 metres (2.56 feet) from the left side yard when the By-law requires that any new additions have a setback of 1.5 metres (4.92 feet) from the side yard;
- b) a 2.4 metre by 2.4 metre (8 feet by 8 feet) shed to be situate 0.3 metres (1 foot) from the rear lot line and 0.38 metres (1.26 feet) from the right lot line when the By-law requires that accessory buildings shall not be located within 0.6 metres (1.97 feet) from any lot line,

be approved.”

Carried

Committee member B. Birdsell was summoned back to the room.

Application: A-40/12
Owner: Marjorie and Jonathan Puskas
Agent: Jonathan Puskas
Location: 71 Mary Street
In Attendance: John Puskas

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

Mr. Puskas replied the notice sign was posted and comments were received from staff. He explained they want to construct an addition which would project 1.65 metres beyond the front wall of the house. He explained they have a two bedroom and 1 bathroom house presently and with their expanding family the additions will result in a four bedroom 2.5 bathroom house.

The members of the Committee expressed their appreciation for the pre-consultation the owner undertook with neighbours.

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 A. Diamond seconded by J. Andrews,

“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 14 and Section 5.1.2.7 of Zoning By-law (1995)-14864, as amended, for 71 Mary Street, to permit

- a) a 3 metre by 4.4 metre (10 feet by 14.4 feet) garage addition be situate 10.2 metres (33.7 feet) from the front yard property line when the By-law requires that any additions have a setback from Mary Street equal to the average of the existing setbacks within the existing block face [11.26 metres (36.9 feet)];

- b) to permit the garage addition to project 2.8 metres (9.1 feet) from the front wall of the dwelling [1 metre (3.5 feet) beyond the front porch] when the By-law requires that attached garages shall not project beyond the main front wall of the building or where a roofed porch is provided, the garage may project equal to the projection of the porch to a maximum of 2 metres (6.5 feet),

be approved, subject to the following condition:

1. The applicant makes satisfactory arrangement with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the relocation of the overhead service to the house. This will be at the owner's expense."

Carried

Application: **A-35/12**

Owner: **Giuseppe, Maria and Steven Fava**

Agent: **Steven Fava**

Location: **7 Crawford Street**

In Attendance: **Steven Fava**

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

Mr. S. Fava replied the sign was posted as required. He explained that he is asking for a deferral. He noted there were comments received from concerned neighbours regarding his variance and would like to address those concerns prior to proceeding with the variance application. He explained he is hoping this will prevent the application from being appealed to the Ontario Municipal Board by a concerned neighbour.

Moved by R. Funnell seconded by A. Diamond,

"THAT Application A-35/12 for Maria, Giuseppe and Steven Fava at 7 Crawford Street, be deferred sinedie, in response to the applicant's request to meet with the neighbours to discuss a possible compromise, and that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application."

Carried

Application: A-36/12

Owner: Cui Hua Huoa and Ying Chen

Agent: Tony Facciolo

Location: 539 Edinburgh Road South

In Attendance: Tony Facciolo

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

Mr. T. Facciolo replied that the sign was posted and the staff comments were received. He explained that the variance is needed to maintain a wider driveway for parking of vehicles.

Committee member R. Funnell questioned if the driveway has already been established.

Mr. T. Facciolo replied that the previous owner had completed all of the work. He explained the current owner has now applied for building permits.

Committee member B. Birdsell questioned the applicant what the distance is from the driveway to the property line on the left side of the property.

Mr. T. Facciolo replied the driveway is right up to the property line where a retaining wall is located.

Committee member J Andrews questioned staff whether this application is a result of a complaint.

Planner R. Kostyan replied that an accessory apartment has been established without a permit. She commented the current driveway is wider than what the By-law permits and that the parking space depth does not comply.

Chair L. McNair questioned staff if the applicant has to remove the accessory apartment if the variance is refused.

Planner R. Kostyan replied that is correct.

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

Moved by R. Funnell and seconded by D. Kelly,

“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 4.13.3.2.2 and Table 5.1.2 Row 12 of Zoning By-law (1995)-14864, as amended, for 539 Edinburgh Road South, to permit:

- a) a driveway width of 7.4 metres (24.3 feet) which constitutes 81% of the front yard when the By-law permits a driveway to occupy 56% of the front yard [5.1 metres (16.8 feet)];
- b) two required exterior off-street parking spaces with a depth of 4.79 metres (15.7 feet) when the By-law requires a minimum depth of 5.5 metres (18 feet), be refused.

Reasons for refusal being:

- 1. The variances are not minor in nature,
- 2. The variances do not meet the intent of the Zoning By-law.”

Carried

Application: A-32/12

Owner: Tanveer Asim and Asim Ali Mir

Agent: Imad Ali Syed

Location: 129 Baxter Drive

In Attendance: Imad Syed

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

Mr. I. Syed replied that the sign was posted and the staff comments were received. He explained that after discussing the application with the neighbours, he is proposing minor changes to the variance requests. He explained he is withdrawing the variance request regarding the 0.5 metre landscape strip requirement.

Planner R. Kostyan commented the driveway width variance will then be for 8.17 metres and not for 8.67 metres. She clarified that the dwelling is located 1.25 metres from the right side property line.

Chair L. McNair expressed concern regarding drainage where the paved walkway leads down between the houses.

Mr. I. Syed explained City Engineering and Zoning staff confirmed to him that there is no regulation prohibiting him from creating a walkway between the houses. He continued by explained the contractor pointed out that the houses are not aligned and he recommended paving the area from the driveway leading down between the houses. He commented the patterned concrete on both sides of the driveway has been used for parking and he is aware he is creating a violation when parking a vehicle there. He explained he would like to further amend his variance application to include only the right side of the driveway (stamped concrete area) as part of the driveway variance since only this side will be used for parking.

Committee member J. Hillen questioned the applicant if he can provide a width of the asphalted area of the driveway, not including the concrete.

Mr. I. Syed replied the drawing on the notice is showing both asphalt and concrete and he does not have the measurement of only the asphalt available.

Planner R. Kostyan clarified to the Committee that with the proposed changes of maintaining the landscaped strip of 0.5 metres, and not including the left side of the patterned concrete, the driveway will now occupy approximately 61.9% of the front yard and this would still be over the allowed maximum driveway width of 7.5 metres.

Committee member D. Kelly commented, after several attempts to re-calculate the modifications, that she does not feel comfortable with making a decision today based on rushed calculations. She noted that it would be in the best interest of the applicant to ask for a deferral and return with a revised application.

Mr. I. Syed asked for a deferral so that he can revise the application.

Moved by R. Funnell and seconded by D. Kelly,

“THAT Application A-32/12 for Tanveer Asim and Asim Ali Mir at 129 Baxter Drive, be deferred to allow for re-submission of accurate drawings for the amended application and in accordance with the Committee’s policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

Application: **A-31/12**

Owner: **Rajdevinder and Satinder Kambo**

Agent: **Imad Ali Syed**

Location: **127 Baxter Drive**

In Attendance: **Imad Syed**

Planner R. Kostyan noted for Committee's information that a previous Committee of Adjustment variance was approved for the property. She explained the variance permits 4 off-street parking spaces in lieu of 5 required for an accessory apartment and a home occupation.

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

Mr. I. Syed replied that the sign was posted and that the staff comments were received. He explained, as per previous application for 129 Baxter Drive, he is withdrawing the variance request regarding the 0.5 metre landscape strip requirement. He continued by explaining that he also would like to withdraw his variance request for the additional concrete walkway.

Committee member B. Birdsell questioned if the applicant has a dimension of the garage available.

Mr. I. Syed replied that he does not have the width of the garage handy.

Secretary-Treasurer K. Fairfull informed the Committee that the width of the garage is 19.33 feet as per the applicant's measurement submitted with the variance application.

Committee member B. Birdsell questioned the applicant whether the concrete walkway close to the property line is used for parking vehicles.

Mr. I. Syed replied that it is not used for parking but the right side of the driveway is.

Planner R. Kostyan replied that after the applicant's revisions, the remaining driveway width would be 7.42 metres which occupies 48.5% of the front yard. She noted a driveway width of 5 metres would be sufficient for the accessory apartment parking requirements.

Committee member D. Kelly noted that engineering's comments have a concern regarding drainage but it does not reflect the area between the houses. She continued by explaining she is uncomfortable with proceeding with the application until a revised application has been received.

Committee member R. Funnell commented that due to the changes being made to the application, it would be in the best interest of the applicant to defer the application.

Committee member B. Birdsell explained to the applicant it would be preferred if the plans could accurately indicate what materials are being used on the front yard. He also explained it would help the Committee if the plans could also indicate the details of the swale.

Mr. I. Syed replied he could find out if a site visit with engineering staff is possible. He continued by requesting a deferral.

Moved by D. Kelly and seconded by B. Birdsell,

“THAT Application A-31/12 for Rajdevinder and Satinder Kambo at 127 Baxter Drive, be deferred sinedie, to allow for re-submission of accurate drawings for the amended application and in accordance with the Committee’s policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

The meeting adjourned at 6.34 p.m.

L. McNair
Chair

Kim Fairfull
Secretary-Treasurer

Minna Bunnett
Assistant Secretary-Treasurer

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday April 12, 2012 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell
J. Hillen
B. Birdsell
J. Andrews
A. Diamond
L. McNair – Chair
D. Kelly, Vice-Chair

Staff Present: R. Kostyan, Planner
K. Fairfull, Secretary-Treasurer
M. Bunnett, Assistant Secretary-Treasurer

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Meeting Minutes

Moved by B. Birdsell and seconded by A. Diamond,

“THAT the Minutes from the March 13, 2012 Regular Meeting of the Committee of Adjustment, be approved as amended.”

Carried

Other Business

The Assistant Secretary-Treasurer advised a letter was received from the Ontario Municipal Board regarding application A-80/11 for 415 Cole Road, which was refused by the Committee. The Board advised the appeal has been withdrawn as the Interim Control By-law is no longer in effect.

The Assistant Secretary-Treasurer advised a letter was received from the Ontario Municipal Board regarding application A-1/12 for 114 Bristol Street, which was refused by the Committee. The Board advised the appeal has been withdrawn as the Interim Control By-law is no longer in effect.

The Assistant Secretary-Treasurer advised a letter was received from the Ontario Municipal Board regarding application A-24/11 for 61 Rickson Avenue, which was refused by the Committee. The Board advised the appeal has been withdrawn as the Interim Control By-law is no longer in effect.

The Assistant Secretary-Treasurer advised that application B-11/12 at 817 Hanlon Road was appealed to the Ontario Municipal Board on March 21, 2012. The application was consent for severance and the Committee refused the application.

The Assistant Secretary-Treasurer advised she had received a withdrawal for an application at 51 Exhibition Street which was originally on the April 24, 2012 agenda. She explained the applicant requested a refund or a partial refund of the application fee on April 2, 2012. She provided background related to the file.

Moved by A. Diamond and seconded by J. Andrews;

“THAT the Secretary-Treasurer refund 100% (\$450) of the application fee for application A-54/12 at 51 Exhibition Street.”

Carried

Application:	B-13/12
Owner:	Ivan Noel
Agent:	n/a
Location:	39 Wheeler Avenue
In Attendance:	Ivan Noel Leanne Perry

The Assistant Secretary-Treasurer advised no sign is required to be posted for a change of condition.

Chair L. McNair questioned if the applicant received the staff comments.

Mr. I. Noel replied he did receive the staff comments. He explained the application is to request more time for finalizing the conditions imposed. He commented he is planning to build the new dwelling with consideration to energy efficient and environmentally friendly products. He explained he has the plans ready for the new dwelling and is focusing currently on redoing the parking space.

Chair L. McNair questioned if 12 months will be enough of time to finalize the project.

Mr. I. Noel replied 12 months is sufficient.

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

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

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission for change of condition for Part of Lots 21 and 22, Registered Plan 337, to be known as 35 Wheeler Avenue, a parcel with a frontage of 9.42 metres (30.9 feet) along Wheeler Avenue and a depth of 26.06 metres (85.4 feet), be approved, subject to the following conditions:

1. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage for 30.90 feet (9.42 metres), prior to endorstation of the deeds.
2. That the owner pay to the City, as determined applicable by the City’s Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
3. The owner applies for sanitary and water laterals for the proposed severed lands and pays the rate in effect at the time of application, prior to the issuance of a building permit.
4. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorstation of the deeds.
5. That the owner constructs the new dwelling at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.

6. That prior to the issuance of any building permits on the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed severed lands.
7. That the owner pays the actual cost of the construction of the new driveway entrance and the required curb cut, with the estimated cost of the works as determined by the City Engineer being paid, prior to the issuance of a building permit.
8. That a legal off-street parking space be created on the severed lands at a minimum setback of 6-metres from the Wheeler Avenue property line.
9. That the owner shall pay for all the costs associated with the removal of the existing garage, a portion of the asphalt driveway and concrete pad from the lands to be severed to the satisfaction of the General Manager of Planning Services, prior to endorsation of the deeds;
10. That the owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the lands, prior to endorsation of the deeds.
11. That the elevation and design drawings for the new dwelling on the severed parcel be submitted to, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood; and that any proposed garage is detached and located to the rear of the dwelling or attached and recessed behind the main front wall of the dwelling.
12. That a site plan be submitted to, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwellings on the severed parcel indicating:
 - a) The location and design of the new dwelling;
 - b) That the location of the new dwelling maintains a setback that is in character with the surrounding area;
 - c) No windows are permitted in the northerly (left) side yard of the dwelling on the severed parcel without the written approval of the property owner of 19 Wheeler Avenue and
 - d) Grading, drainage and servicing information.
13. That the Owner receive a demolition permit and removes the existing detached garage prior to the endorsation of the deeds.

14. That the applicant shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsation of the deeds, at the rate in effect at the time of the endorsation.
15. Prior to the issuance of any building permit for the severed lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to the future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
16. That prior to issuance of a building permit, the applicant makes arrangement for provision of overhead or underground hydro servicing to the severed parcel, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the owner's expense.
17. That prior to endorsation of the deeds the parking area and required screening for the retained lot be developed in accordance with Zoning By-law regulations.
18. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
19. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to April 13, 2013.
20. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
21. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
22. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also

include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried

Application: B-15/12, B-16/12 and B-17/12

Owner: Lunor Group Inc.

Agent: Astrid J. Clos Planning Consultants

Location: 294 Grange Road

In Attendance: Astrid Clos
Shawn McGuire

The Assistant Secretary-Treasurer advised no sign is required to be posted for a change of condition. She also advised that a letter was received from the applicant to consider a full refund for the applications being heard for 294 Grange Road. She explained this request for change of condition is due to the addressing problems of these future properties which were outside of the property owner’s control.

Planner R. Kostyan explained the delay was due to a requirement in the zone change process that an existing adjacent property be re-addressed for which the property owner has now agreed to.

Chair L. McNair questioned if the applicant received the staff comments.

Ms. A. Clos replied she did receive the staff comments. She explained they have worked towards satisfying the conditions where the addressing condition was a stumbling block. She noted they just recently received notification that the addressing is no longer a problem and therefore they would require more time to finalize the project.

Application B-15/12

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

Moved by J. Andrews and seconded by D. Kelly,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission for change of condition for Part Lot 6, Registered Plan 53, Grange Road, a parcel with a frontage of 9.62 metres (31.56 feet) along Grange Road and a depth of 32 metres (104.98 feet), be approved, subject to the following conditions:

1. That the owner and any mortgagees enter into a Subdivision Agreement with the City, registered on title, satisfactory to the City Solicitor, which contains conditions covering but not limited to:
 - a) registration of agreement;
 - b) payment of Development Charges;
 - c) gravity connection to the sanitary sewer for all dwellings;
 - d) payment of all outstanding debts owed to the City;
 - e) costs of design, construction and reconstruction of all services;
 - f) costs of design, construction and reconstruction of any road work;
 - g) scheduling of development and payment of costs;
 - h) preparation of an overall grading and drainage plan;
 - i) construction of erosion and sediment control facilities;
 - j) tree planting;
 - k) submission of a stormwater management plan and report;
 - l) the surface discharge of sump pumps;
 - m) cash-in-lieu of parkland.
 - n) submission of individual site plans.
2. That the developer deeds to the City free of all encumbrances a 5.182-metre (17.0-feet) wide parcel of land for a road widening across the entire frontage of number 294 Grange Road as shown in red on the applicants site plan, prior to endorsation of the deeds.
3. That the developer shall connect the existing dwelling to the sanitary sewer main and water main to the satisfaction of the City Engineer and the City's Plumbing/Sewage System Inspector, prior to endorsation of the deeds.
4. That prior to the connection of the existing dwelling to the sanitary sewer main and watermain, 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.
5. That prior to endorsation of the deeds, the owner shall pay to the City their share of the actual cost of the existing downstream stormwater management system, existing watermain, sanitary sewer, storm sewer, roadworks, including sidewalks, boulevards, curb and gutter and any street lighting

upgrades, across the frontage of the property, as determined by the City Engineer.

6. That the developer shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the lands, prior to endorsation of the deeds.
7. That the developer shall ensure that all telephone service and cable TV service in the lands shall be underground. The developer shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the lands, prior to endorsation of the deeds.
8. That the addresses of the subject properties be modified in keeping with the City's Addressing Policy to the satisfaction of the General Manager of Planning Services prior to deed endorsation.
9. That prior to the endorsation of deeds, the address of the retained parcel be modified in keeping with the City's Addressing Policy to the satisfaction of the General Manager of Planning Services.
10. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
11. That the applicant shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsation of the deeds, at the rate in effect at the time of the endorsation.
12. Prior to the issuance of any building permit for the lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
13. That prior to building or endorsation of the deed, the applicant makes arrangement for the underground hydro servicing to the severed parcels,

satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. An underground road crossing across Grange Road is required for the services to the three lots. This will be at the owner's expense.

14. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to April 13, 2013.
15. 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.
16. 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.
17. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Application B-16/12

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

Moved by J. Andrews and seconded by D. Kelly,

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission for change of condition for Part Lot 6, Registered Plan 53, Grange Road, a parcel with a frontage of 9.62 metres (31.56 feet) along Grange Road and a depth of 32 metres (104.98 feet), be approved, subject to the following conditions:

1. That the owner and any mortgagees enter into a Subdivision Agreement with the City, registered on title, satisfactory to the City Solicitor, which contains conditions covering but not limited to:
 - a) registration of agreement;
 - b) payment of Development Charges;
 - c) gravity connection to the sanitary sewer for all dwellings;
 - d) payment of all outstanding debts owed to the City;
 - e) costs of design, construction and reconstruction of all services;
 - f) costs of design, construction and reconstruction of any road work;
 - g) scheduling of development and payment of costs;
 - h) preparation of an overall grading and drainage plan;
 - i) construction of erosion and sediment control facilities;
 - j) tree planting;
 - k) submission of a stormwater management plan and report;
 - l) the surface discharge of sump pumps;
 - m) cash-in-lieu of parkland.
 - n) submission of individual site plans.
2. That the developer deeds to the City free of all encumbrances a 5.182-metre (17.0-feet) wide parcel of land for a road widening across the entire frontage of number 294 Grange Road as shown in red on the applicants site plan, prior to endorsation of the deeds.
3. That the developer shall connect the existing dwelling to the sanitary sewer main and water main to the satisfaction of the City Engineer and the City's Plumbing/Sewage System Inspector, prior to endorsation of the deeds.
4. That prior to the connection of the existing dwelling to the sanitary sewer main and watermain, 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.
5. That prior to endorsation of the deeds, the owner shall pay to the City their share of the actual cost of the existing downstream stormwater management system, existing watermain, sanitary sewer, storm sewer, roadworks, including sidewalks, boulevards, curb and gutter and any street lighting upgrades, across the frontage of the property, as determined by the City Engineer.
6. That the developer shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the lands, prior to endorsation of the deeds.

7. That the developer shall ensure that all telephone service and cable TV service in the lands shall be underground. The developer shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the lands, prior to endorsement of the deeds.
8. That the addresses of the subject properties be modified in keeping with the City's Addressing Policy to the satisfaction of the General Manager of Planning Services prior to deed endorsement.
9. That prior to the endorsement of deeds, the address of the retained parcel be modified in keeping with the City's Addressing Policy to the satisfaction of the General Manager of Planning Services.
10. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
11. That the applicant shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsement of the deeds, at the rate in effect at the time of the endorsement.
12. Prior to the issuance of any building permit for the lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
13. That prior to building or endorsement of the deed, the applicant makes arrangement for the underground hydro servicing to the severed parcels, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. An underground road crossing across Grange Road is required for the services to the three lots. This will be at the owner's expense.
14. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the

Committee of Adjustment along with the administration fee required for endorsement, prior to April 13, 2013.

15. 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.
16. 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.
17. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Application B-17/12

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

Moved by J. Andrews and seconded by D. Kelly,

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission for change of condition for Part Lot 6, Registered Plan 53, Grange Road, a parcel with a frontage of 9.62 metres (31.56 feet) along Grange Road and a depth of 32 metres (104.98 feet), be approved, subject to the following conditions:

1. That the owner and any mortgagees enter into a Subdivision Agreement with the City, registered on title, satisfactory to the City Solicitor, which contains conditions covering but not limited to:
 - a) registration of agreement;
 - b) payment of Development Charges;

- c) gravity connection to the sanitary sewer for all dwellings;
 - d) payment of all outstanding debts owed to the City;
 - e) costs of design, construction and reconstruction of all services;
 - f) costs of design, construction and reconstruction of any road work;
 - g) scheduling of development and payment of costs;
 - h) preparation of an overall grading and drainage plan;
 - i) construction of erosion and sediment control facilities;
 - j) tree planting;
 - k) submission of a stormwater management plan and report;
 - l) the surface discharge of sump pumps;
 - m) cash-in-lieu of parkland.
 - n) submission of individual site plans.
2. That the developer deeds to the City free of all encumbrances a 5.182-metre (17.0-feet) wide parcel of land for a road widening across the entire frontage of number 294 Grange Road as shown in red on the applicants site plan, prior to endorsation of the deeds.
 3. That the developer shall connect the existing dwelling to the sanitary sewer main and water main to the satisfaction of the City Engineer and the City's Plumbing/Sewage System Inspector, prior to endorsation of the deeds.
 4. That prior to the connection of the existing dwelling to the sanitary sewer main and watermain, 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.
 5. That prior to endorsation of the deeds, the owner shall pay to the City their share of the actual cost of the existing downstream stormwater management system, existing watermain, sanitary sewer, storm sewer, roadworks, including sidewalks, boulevards, curb and gutter and any street lighting upgrades, across the frontage of the property, as determined by the City Engineer.
 6. That the developer shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the lands, prior to endorsation of the deeds.
 7. That the developer shall ensure that all telephone service and cable TV service in the lands shall be underground. The developer shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the lands, prior to endorsation of the deeds.

8. That the addresses of the subject properties be modified in keeping with the City's Addressing Policy to the satisfaction of the General Manager of Planning Services prior to deed endorsation.
9. That prior to the endorsation of deeds, the address of the retained parcel be modified in keeping with the City's Addressing Policy to the satisfaction of the General Manager of Planning Services.
10. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
11. That the applicant shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsation of the deeds, at the rate in effect at the time of the endorsation.
12. Prior to the issuance of any building permit for the lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
13. That prior to building or endorsation of the deed, the applicant makes arrangement for the underground hydro servicing to the severed parcels, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. An underground road crossing across Grange Road is required for the services to the three lots. This will be at the owner's expense.
14. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to April 13, 2013.
15. 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.

16. 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.
17. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Secretary Treasurer K. Fairfull commented that the staff is in support of a full refund since the delay was beyond the applicant's control.

Moved by A. Diamond and seconded by D. Kelly;

"THAT the Secretary-Treasurer refund 100% of the change of condition application fees for applications B-15/12, B-16/12 and B-17/12 (\$2,016 total) at 294 Grange Road."

Carried.

Application: **A-42/12**

Owner: **Upper Grand District School Board**

Agent: **Hossack and Associates Architects**

Location: **50 Laurine Avenue**

In Attendance: **Blair Capling**

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

Mr. B. Capling replied the sign was posted and the staff comments were received. He explained normally a garbage enclosure would be placed in the rear or side yard. He commented they are making the effort of keeping the garbage bins away from the school children by placing them in the front yard. He explained the Zoning By-law states a garbage enclosure must be closed on all

four sides. He commented they have had problems with large gate doors hurting the truck drivers and explained that for the safety of the drivers, they would prefer not to have doors at all.

Committee member B. Birdsell questioned whether the applicant had considered using a molok garbage container which is placed in the ground.

Mr. B. Capling replied that they have an existing contract with a company which uses trucks to lift the garbage bins up. He explained it would be costly to have only a couple of schools with moloks and the rest with the regular garbage containers.

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 A. Diamond and seconded by R. Funnell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Sections 4.5.1, 4.9.1 and 4.9.2 of Zoning By-law (1995)-14864, as amended, for 50 Laurine Avenue,

- a) to permit the garbage enclosure to be located in the front yard when the By-law permits a garbage enclosure (accessory building or structure) in a side yard or rear yard only, and
- b) to permit the third side of the garbage enclosure to have no visual screening (facing the school parking area) when the By-law requires that every garbage or refuse storage area, which is visible from an adjoining site zoned residential, have a visual screening consisting of fencing,

be approved subject to the following condition:

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 buildings, 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 a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.”

Carried

Application: A-52/12

Owner: Gay Lea Foods Co-operative Ltd.

Agent: Kevin Maynard, Gay Lea Foods

Location: 21 Speedvale Avenue West

In Attendance: Kevin Maynard
Herman Arias

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

Mr. K. Maynard replied the sign was posted and they did receive the staff comments. He explained that they are planning to construct a new electrical room at the rear of the facility which will be encroaching the required rear yard. He noted that the property at the rear is also owned by Gay Lea.

Mr. H. Arias explained that last fall they made plans to expand their butter line which included an addition for raising the roof. He continued by explaining that they realized after the fact that they would have no electricity to this addition. He noted they had to return to the Committee of Adjustment to be able to execute the entire scope of the work.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by B. Birdsell and seconded by A. Diamond,

“THAT in the matter of an application under Section 45(2)(a)(i) of the Planning Act, R.S.O. 1990, c.P13, as amended, for 21 Speedvale Avenue West, permission to extend the legal non-conforming use and to construct a 33.35 square metre (358.97 square foot) electrical room addition to the rear of the existing building located 2.23 metres (7.31 feet) from the rear property line, be approved subject to the following condition:

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 buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the General Manager of Planning and the General Manager/City Engineer, prior to the issuance of a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.”

Carried

Application: **A-44/12**

Owner: **Lori Partridge**

Agent: **Riverwood Custom Homes**

Location: **93 Division Street**

In Attendance: **Lori Partridge**

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

Ms. L. Partridge replied that the signs were posted and she did receive the staff comments. She explained they are proposing to build an addition to the rear of an existing building. She noted the property is a corner lot and the proposed one storey addition would be 17 feet from Edgehill Drive when the existing house will remain 14.5 feet from Edgehill Drive.

The Committee had no questions to the applicant.

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

Moved by J. Andrews and seconded by D. Kelly,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Table 5.1.2 Row 6a and Section 5.1.2.7 i) of Zoning By-law (1995)-14864, as amended, for 93 Division Street, to permit a 72.5 square metre (780.6 square foot) one storey addition to be located 5.8 metres (17 feet) from the exterior side yard on Edgehill Drive when the By-law requires any new additions be setback from Edgehill Drive equal to the average of the existing setbacks within the existing block face [9.3 metres (30.6 feet)], be approved.”

Carried

Application: **A-48/12**

Owner: **Roger and Penny MacDonald**

Agent: **Mark Neyvatte**

Location: **45 Division Street**

In Attendance: **Roger McDonald**
 Penny McDonald
 Mark Neyvatte

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

Mr. M. Neyvatte replied the sign was posted and they did receive the staff comments. He explained that they are proposing to remove an existing deteriorating front porch. He commented the existing porch is close to the front property line and is in the sight line. He noted 11 residences on the street have covered porches and 4 of them are located closer to the front property line than what he is proposing. He continued by commenting that the new porch will fit well in the neighbourhood and the railing will allow to see pedestrians approaching.

Committee member J. Andrews questioned staff whether an encroachment agreement would be appropriate for the proposed porch.

Planner R. Kostyan replied the encroachment of the stairs is minor in nature and is an existing condition which the City is comfortable with.

Mr. R. McDonald commented the intention is to construct an open porch. He explained the current porch is in the same location and the open nature of the porch will make it able to see pedestrians on the sidewalk.

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. Kelly and seconded by A. Diamond,

“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 Row 1 and Row 3 of Zoning By-law (1995)-14864, as amended, for 45 Division Street,

- a) to permit a 2.13 metre by 5.33 metre (7 foot by 17.5 foot) roofed porch be located 0.6 metres (2 feet) from the front lot line when the By-law permits a roofed porch to be located a minimum of 2 metres (6.56 feet) from the front lot line;
 - b) to permit the stairs of the roofed porch to project 3.43 metres (11.28 feet) into the required front yard [2.82 metres (9.28 feet)] when the By-law permits the stairs to have a maximum projection of 3 metres (9.84 feet) into the required front yard and be located a minimum of 0 metres from the front lot line when the By-law requires a minimum setback of 0.8 metres (2.62 feet) from the front lot line, and,
 - c) to permit a portion of the roofed porch and steps to be located in the driveway sightline triangle when the By-law permits no building, structure, play equipment, statue or parked motor vehicle to be located within the driveway sightline triangle,
- be approved.”

Carried

Application: **A-41/12**

Owner: **Wayne Boadway**

Agent: **n/a**

Location: **44 Tanager Drive**

In Attendance: **Wayne Boadway**

The Secretary Treasurer advised an email was received from the property owner of 32 Tanager Drive supporting the application but requesting to preserve the appearance of the walkway to the park by screening the proposed exterior stairs.

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

Mr. Boadway replied that the sign was posted and the staff comments were received. He explained that their goal is to construct an accessory apartment in the basement and therefore they would like to provide a private entrance to the apartment. He commented they would prefer to construct the stairs in the South side of the home. He explained that due to the dimension of the proposed stairs, a clearance of 0.6 metres cannot be accomplished. He further

explained that the distance of 0.46 metres to the property line next to a laneway should not cause an adverse impact on the neighbours.

Committee member A. Diamond questioned whether the garage is being used for parking or for storage.

Mr. W. Boadway replied that their garage is being used for parking.

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

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

“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 Row 12 of Zoning By-law (1995)-14864, as amended, for 44 Tanager Drive, to permit exterior basement stairs to be located 0.46 metres (1.51 feet) from the right side property line when the By-law requires that exterior stairs be setback a minimum of 0.6 metres (1.97 feet) from any side yard, be approved subject to the following condition:

1. That the owner shall construct the exterior basement stairway including the concrete sidewall to the satisfaction of the General Manager of Planning and the General Manager/City Engineer, at the proposed 0.46-metres (1.51 feet) from the right side property line.”

Carried

Application: **A-43/12**

Owner: **Vincenzo, Bruna and Eustachio Scandiffio**

Agent: **n/a**

Location: **14 Clough Crescent**

In Attendance: **Bruna Scandiffio**

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

Ms. B. Scandiffio replied that the sign was posted and the staff comments were also received. She explained there are students living in the dwelling and the property can fit only one vehicle in the driveway and one vehicle in the garage. She further explained they have extended the driveway to create more room for a second vehicle.

Committee member R. Funnell questioned whether the applicant asked for input from City staff prior to widening the driveway.

Ms. B. Scandiffio replied they live in Mississauga and did not realize they needed a permission to widen the driveway.

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. Kelly and seconded by A. Diamond,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 5.3.2.8 of Zoning By-law (1995)-14864, as amended, for 14 Clough Crescent, to permit a driveway width of 5.3 metres (17.3 feet) when the By-law requires that the front yard on any lot, excepting the driveway, shall be landscaped and no parking shall be permitted within this landscaped open space and that the driveway width shall not exceed the garage width of the unit, as measured from the outside walls of the garage [3.15 metres (10.3 feet)], be refused.

Reason for refusal being:

1. A large driveway with a hard surface does not meet the intent of the Zoning By-law and does not pass the four tests of the Planning Act.”

Carried

Application:	A-45/12
Owner:	Barry Martin
Agent:	Barry Martin
Location:	32 Mason Court

In Attendance: Barry Martin

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

Mr. Martin replied the notice sign was posted and comments were received from staff. He explained at present time there is a single dwelling unit and he has submitted a building permit application for an accessory unit. He explained he can comply with the three required parking spaces; however they would be stacked in the driveway. He noted there are accessory units on Mason Court (#7, #19 and #24) who have accommodated accessory units with stacked parking in the driveway. He advised the tenant on the main floor has one car and it is anticipated the proposed tenant would also have a car.

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

Moved by R. Funnell seconded by A. Diamond,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.15.1.4.1 of Zoning By-law (1995)-14864, as amended, for 32 Mason Court, to permit three off-street parking spaces stacked in the driveway in the right side yard to support an accessory unit, be refused.”

Carried.

Application: A-53/12

Owner: Weisen Gao and Bo Wang

Agent: Weisen Gao and Bo Wang

Location: 17 Tolton Drive

**In Attendance: Weisen Gao
Bo Wang**

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

Mr. Gao replied the notice sign was posted however the wind kept blowing the sign over. He did note they approached all their neighbours about the proposal. He explained the main dwelling faces Tolton Drive with no driveway access and there is an accessory building facing Wilkie Crescent which contains a residential unit. He explained they have three cars and his tenants have two cars and the existing detached garage and driveway area only accommodates four vehicles. He explained his proposal is to add one driveway to accommodate one additional vehicle. He explained there is a sidewalk along the east side of Wilkie Street which inhibits stacked parking in the driveway. He advised there is on street parking on the other side of the street but not overnight parking. He explained the intent of the Zoning By-law was to control the amount of hard landscape in the front yard which is accomplished on his property as the front yard has no vehicular access. He explained he has 43.6 square metres of hard surface and wants to extend this surface by 16.44 square metres for a total area of 60.04 square metres. He summarized amount of hard landscaping occupied by other models along the street which has hard surface of 80.12 square metres up to 106.45 square metres. He further noted the 3 metre by 3 metre sightline triangle identified by Engineering Services does not pose a safety concern as the porch in the abutting unit is open. He identified the designs being considered for the driveway.

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 A. Diamond seconded by D. Kelly,

“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 4.13.7.2 and Table 5.1.2-Row 12 of Zoning By-law (1995)-14864, as amended, to create a second driveway from Wilkie Crescent with a width of 2.74 metres (8.9 feet), resulting in a combined driveway width of 8.9 metres (29.2 feet), which would occupy 68.5% of the Wilkie Crescent front yard when the By-law requires one driveway access only shall be created per residential property and the driveways shall not constitute more than 50% of the front yard, be refused.”

Reasons for refusal being:

1. The general intent and purpose of the Zoning by-law is not being met as some neighbourhoods cannot support the additional parking required.
2. The variance would not result in desirable development of the property.”

Carried

Committee member A. Diamond expressed concern with the many applications the Committee has dealt with during the last year with respect to driveway width variances and noted it needs to be addressed.

Application: B-14/12, A-49/12 and A-50/12

Owner: Dean and LeaAnne Goods

Agent: Dean and LeaAnne Goods

Location: 58 Albert Street

In Attendance: Dean Goods

Staff summarized a letter received from the Old University Neighbourhood Association.

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

Mr. Goods replied the notice sign was posted and comments were received from staff. He explained he recently purchased the property and is applying for a severance for a residential lot. He noted he has met with Heritage Guelph staff on numerous occasions about conversion of the Oddfellows Hall to a residential unit for his family on the retained parcel. With respect to the concerns from staff about the proposed design of the new dwelling he noted he would prefer to proceed with the proposal and would meet with Heritage Guelph staff about the design of the proposed dwelling. He noted he is unsure at this time if he would be the developer of the severed parcel as he wants to focus on the renovation of the retained parcel.

Committee member D. Kelly questioned if staff are recommending deferral until a design can be submitted.

Planner R. Kostyan replied staff is recommending deferral for the severance because they do not know what type of dwelling is proposed and would like to review the proposal before any recommendations are made.

Mr. Goods noted he would like to proceed with the application as he is unsure at this time if he is going to develop the severed parcel. He had no objection to recommending any future designs be approved by City staff.

Committee member A. Diamond questioned if the addition would be removed from 58 Albert Street.

Mr. Goods replied they are going to retain the addition as part of the original dwelling.

Chair L. McNair noted it was his opinion they were stepping beyond the Committee's limitations when controlling the facade of the dwelling that may be constructed by another party.

Committee member B. Birdsell noted there is enough information before the Committee to make a decision on the application for severance.

Lynne Allingham expressed support to welcome a new family to the neighbourhood and supported the conversion of the Odd Fellows Hall as a residence.

Peter Olinski, a resident on Forbes Avenue expressed his support for the applications.

Lori Belanger, as resident 48 Albert Street had has no concern with the application and supported the size of the proposed parcel.

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

Moved by B. Birdsell and seconded by J. Andrews,

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 19, Registered Plan 37, to be known as 60 Albert Street, a parcel with a frontage along Albert Street of 13.7 metres (44.95 feet) and a depth of 40.2 metres (131.89 feet), be approved, subject to the following conditions:

1. That the owner relocates the existing sanitary service lateral to the existing house from the proposed severed lands onto the lands being retained, satisfactory to the Plumbing Inspector, prior to endorsation of the deeds.
2. That the owner pays the actual cost of constructing new service laterals to the proposed severed lands including the cost of any curb cuts or fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
3. That the owner pays the actual cost of the construction of the new driveway entrances including the required curb cuts and/or curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.

4. That a legal off-street parking space be created on the severed lands at a minimum setback of 6-metres from the property line at the street.
5. That the owner pays the actual cost associated with the removal of the existing gravel 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 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.
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 constructs a driveway and legal off-street parking space for the proposed retained lot, satisfactory to the General Manager/City Engineer, prior to endorsement of the deeds.
8. That prior to the issuance of any building permit on the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed severed lands.
9. That the owner shall make satisfactory arrangements with the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the proposed severed lands, prior to the issuance of any building permit.
10. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsement of the deeds.
11. That any future driveway servicing the severed parcel (60 Albert Street) be located on the eastern portion of the severed parcel, located closest to the retained parcel;
12. That the proposed dwelling on the severed parcel (60 Albert Street) be located maximum 3 metres from the front lot line;
13. That the proposed driveway servicing the retained parcel (58 Albert Street) be located on the western portion of the retained parcel, located closest to the severed parcel;
14. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.

15. That the elevation and design drawings for the new dwelling on the severed parcel be submitted to, and approved by the General Manager of Planning & Building Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
16. That a site plan be submitted to, and approved by the General Manager of Planning & Building Services and the City Engineer, prior to the issuance of a building permit for the new dwelling on the severed parcel indicating:
 - a) The location and design of the new dwelling;
 - b) All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
 - c) The location of the new dwelling with a setback that is in character with the surrounding area;
 - d) Grading, drainage and servicing information.
17. That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services.
18. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
19. Prior to the issuance of a Building Permit, Heritage Planning staff and Heritage Guelph are required to review and approve all elevations, plans and site plan for the proposed new dwelling and any proposed alterations to the existing building on the lot to be retained of the subject property.

20. That an internal garage be avoided and side yard or rear parking be considered so that the proposed new dwelling is more in keeping with the heritage character of the Albert Street streetscape.
21. That prior to issuance of a building permit, the owner make satisfactory arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the servicing of the future lot with a new overhead or underground service. This will be at the owner's expense.
22. 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 and Manager of Planning Services, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
23. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to April 13, 2013.
24. 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.
25. 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.
26. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Application Number A-49/12

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

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

Moved by B. Birdsell and seconded by J. Andrews,

“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 58 Albert Street, to permit the retained parcel from Application B-14/12 to be situate 3.05 metres (10 feet) from the rear lot line when the By-law requires a minimum rear yard equal to 20% of the lot depth (5.34 metres (19.72 feet)), be approved, subject to the following condition:

1. That the conditions imposed for Application B-14/12 be and form part of this approval.”

Carried.

Application Number A-50/12

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

Moved by B. Birdsell and seconded by J. Andrews,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2-Row 4 of Zoning By-law (1995)-14864, as amended, for 60 Albert Street, to permit the severed parcel from Application B-14/12 to have a lot frontage of 13.7 metres (44.95 feet) when the By-law requires a minimum lot frontage equal to the average of the existing frontages within the same City Block Face [15 metres (49.21 feet)], be approved, subject to the following condition:

1. That the conditions imposed for Application B-14/12 be and form part of this approval.”

Carried.

Application: A-51/12

Owner: 2274237 Ontario Inc.

Agent: GSP Group Inc.

Location: 1291 Gordon Street

In Attendance: Hugh Handy

The Secretary-Treasurer advised the applicant has withdrawn their request to permit a temporary sales centre on the property.

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

Hugh Handy replied the notice sign was posted and comments were received from staff. He explained they received zoning approval in 2010 to construct the residential apartment building and they are currently working through the site plan approval process. He noted it has been determined further variances are required as the building height relates to the storm water management area and off-street parking numbers. He noted they are required to receive Council's approval to remove the holding zone on the property as it is still in the holding zone.

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

Moved by J. Andrews seconded by B. Birdsell,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Sections 4.13.4.3., 4.16.2 and 4.21.1 of Zoning By-law (1995)-14864, as amended, for 1291 Gordon Street, to construct a 161 unit apartment building, requiring variances,

- a) to permit 193 off-street parking spaces (not including the 22 tandem spaces in the parking garage) when the By-law requires a total of 207 off-street parking spaces, and,
- b) to permit angular planes of 59° from the western building wall and 73° from the southern building wall to the adjacent park zone;

be approved, subject to the following conditions:

1. That the number of residential units in the proposed development will not exceed 161 residential units.

2. That the owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan to the satisfaction of the General Manager of Planning Services and General Manager/City Engineer, prior to the issuance of a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.”

Carried.

Application: **A-15/12**

Owner: **Bruce Everitt and Lora Gatto**

Applicant: **Bruce Everitt and Lora Gatto**

Location: **106 Clough Crescent**

In Attendance: **Bruce Everitt**

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

Mr. Everitt replied the notice sign was posted and comments were received from staff. He explained he appeared before the Committee in February to request a wider driveway to support an accessory unit which was refused by the Committee. He advised the application was also deferred to allow City staff the ability to investigate why City approval was given for two water meters. He further explained that when his building permit for the semi-detached unit was issued, it identified a 3 piece rough-in for a bathroom along with plumbing rough-in for a kitchen with the building permit application. He further explained that inspections have occurred on the rough-in plumbing and the inspector gave advice about fire doors, which are only required for accessory units. He noted the property is leased to a single mother with a son on the main floor and a teacher in the basement. He noted neither tenant would be able to afford the entire unit on their own.

Committee member J. Hillen questioned why there was a request for 2 water meters and approval for rough-in plumbing in the basement.

Planner R. Kostyan replied an inspection for rough-in plumbing is not an approval for an accessory unit. She explained an application for building permit is required to permit the unit.

Committee member D. Kelly questioned what approvals the City gave for this property and questioned if a fire door is a requirement for and accessory unit.

Mr. Everitt explained his builder said the building inspector said a fire door was required.

Committee member J. Andrews noted this information could be taken out of context as the Committee is not aware what question was asked before the inspector gave this information.

Chair L. McNair agreed as neither the owner or the Committee knows what the caveat was before the advise was given.

Committee member B. Birdsell explained he has viewed the property and noted the applicant has attempted to follow the procedures. He noted he has been by the property and there has not been a concern.

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

Moved by B. Birdsell and seconded by J. Hillen,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.13.4.3. of Zoning By-law (1995)-14864, as amended, for 106 Clough Crescent, to permit two off-street parking spaces for the host dwelling and the accessory unit when the By-law requires three off-street parking spaces be provided, be approved.”

The motion did not carry.

Committee members noted this street has many of issues respecting parking. It was noted the parking may work for 2 cars now but there is not guarantee this situation will work in the future. It was noted the By-law requires that 3 parking spaces be provided to take the stress off of on-street parking which is at a premium in this area.

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. Kelly and seconded by J. Andrews,

“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 4.13.4.3. of Zoning By-law (1995)-14864, as amended, for 106 Clough Crescent, to permit two of-

street parking spaces for the host dwelling and the accessory unit when the By-law requires three off-street parking spaces be provided, be refused.”

Carried.

Application: **A-46/12**

Owner: **Michael Fischer and Teresa Keelan**

Agent: **Demikon Construction Ltd.**

Location: **16 Dean Avenue**

In Attendance: **Mike Fischer**
 Mike Demerling
 John Gruzleski
 John Campbell
 Eileen Campbell
 Lynne Allingham
 Roy Allingham

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

Mr. Fisher replied the notice sign was posted and comments were received from staff. He explained he has resided on this property since 1996 and plans to replace the single detached garage with a new 2 car garage with an additional height to allow for storage.

Committee member R. Funnell questioned if there is any alternatives in the design to bring to decrease the height of the building.

Mr. Fischer replied he has discussed this with his contractor. He noted he could switch an interior stair for a ladder and decrease the height by 1 foot. He further noted the only objector to the application is from an abutting property which is a rental property with an absentee landlord.

Committee member J. Hillen questioned if the pitch of the garage matches the pitch of the main dwelling.

Mr. Fisher replied they propose to match the pitch of the main dwelling. He noted a similar garage was constructed on Lemon Street. He noted they have a pool that was installed and additional room is required for the mechanical room in the garage. He further noted they could add dormers to the garage to match the house design.

Planner R. Kostyan noted the addition of dormers may result in an increased height being calculated.

Mr. Fisher replied the dormers were a concept only.

Committee member J. Hillen questioned if the applicant had considered changing the pitch of the roof to using a hip roof. He noted it is a more difficult truss design however the roof would not be as high.

Committee member D. Kelly noted if there was any change to the design of the building she would like to see the drawings before a decision is made.

Mr. Demerling, the contractor for the project said the section drawing would not change with a change in roof design.

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

“THAT Application A-46/12 for Michael Fischer and Teresa Keelan at 16 Dean Avenue, be amended to request an accessory building height of 5.56 metres (18.2 feet).”

Carried.

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

Moved by R. Funnell seconded by J. Andrews,

“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 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for 16 Dean Avenue, to construct a 7.3 metre by 7.3 metre (24 foot by 24 foot) detached garage with a height of 5.56 metres (18.2 feet) when the By-law requires an accessory structure not exceed a height of 3.6 metres (11.83 feet), measured between the eave and the ridge, be approved, subject to the following condition:

1. That the detached garage shall not be used for human habitation without a Zoning By-law amendment.”

Carried.

Application: A-47/12

Owner: Geoff and Genevieve Newton

Agent: Geoff and Genevieve Newton

Location: 65 Mary Street

In Attendance: Geoff Newton
John Gruzleski
John Campbell
Eileen Campbell
Lynne and Roy Allingham
David Burgess
Kathleen Creery
Maren Kasulke
Lisa Mactaggart
Craig Piper
Andre and Marion Auger
Monique ten Kortenaar

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

Mr. Newton replied the notice sign was posted and comments were received from staff. He explained he purchased the property in 2008 and was granted a building permit to build a new home which was completed in the fall of 2009. He noted that the original building contractor was let go and he assumed the role of the general contractor for the project. He explained the foundation for the garage was started in the fall of 2011 and a stop work order was issued for the garage in February 2012 as it was stated the construction did not comply with the original permit application submitted by his contractor. He noted he had revised the drawings for the garage to match the design of the main dwelling, however they were never submitted to the City for review. He noted there are concerns expressed from the neighbourhood community however he wished to address the submissions of his abutting neighbours as those are the comments that are most important to address. He explained he provided his neighbours with a set of drawings prepared by his designer that indicated a bedroom and a washroom on the second storey of the garage which is not being contemplated. He noted the second storey will be used for storage only. He noted he was willing to remove the deck from the second storey and the exterior staircase will be relocated to the interior of the garage. He further recommended windows facing Wolfond Crescent from the second storey be removed and additional mature trees will be planted to provide privacy.

Committee member B. Birdsell suggested it may be appropriate to implement the proposed changes on a drawing for re-circulation to the neighbours and Committee members before consideration of the application.

Chair L. McNair noted this would not change the variances being requested.

Planner R. Kostyan noted they would be able to accommodate a staircase inside garage as they have a building with a depth of 7.3 metres and they require 6 metre depth for a parking space.

Mr. Newton explained the primary purpose of the garage is for storage. He noted they have two vehicles and he has a woodworking hobby and a boat/fishing gear as he is a semi-pro fisherman.

Committee member D. Kelly requested clarification on what occurred to result in this building being allowed to be constructed in the present location with this height.

Planner R. Kostyan explained on November 19, 2008 the foundation permit issued for garage. City staff received information on March 27, 2009 from the contractor verifying the parting of ways. She noted there were no inspections called for after that time and a neighbourhood complaint came in for follow up.

Committee member D. Kelly noted if drawings were submitted for the existing structure staff would have identified the inconsistencies with the Zoning By-law regulations. She questioned if the structure was completed without a building permit.

Planner R. Kostyan replied the drawings submitted in 2008 was for a one storey garage and there were no inspections called for after the foundation inspection.

Committee member J. Hillen questioned if the building footprint included the garage and carport.

Mr. Newton replied the drawings include the carport. He noted the eave on the carport to the north would have to be scaled back as there is a 1 foot setback to the foundation wall.

Ms. Creery, a resident of 69 Mary Street expressed concern about expressing their concerns for a structure that is already up. She explained the building is enormous and almost complete and it will be difficult on the neighbourhood if it has to come down.

John Gruzleski, a representative from the Old University Residents' Association advised they have presented a letter in opposition to the application. He explained a building permit was issued for a garage which complied to the By-law and ignorance of the law no excuse.

David Burghess, a resident of 69 Mary Street expressed his concerns about the construction of the garage with disregard to the by-laws.

Mr. Newton had no further information to add to the application and advised he respected the opinions of his neighbours.

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. Kelly seconded by A. Diamond,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Sections 4.5.1.2, 4.5.1.4 and 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for 65 Mary Street, to permit a 78 square metre (840 square foot) detached garage in the rear yard,

- a) to be located 0.3 metres (1 foot) from the right rear side lot line when the By-law requires accessory structures be located a minimum of 0.6 metres (1.97 feet) from any lot line;
- b) to permit an area of 78 square metres (840 square feet) when the By-law requires an accessory structures have a maximum area of 70 square metres (753 square feet), and,
- c) to have a height of 6.7 metres (22 feet) when the By-law permits a maximum height of 3.6 metres (11.8 feet) measured at the mid-point between the eave and the ridge,

be refused.

Reasons for refusal being:

1. The variances would have a negative impact on the neighbours.
2. The structure does not meet the intent of the By-law for accessory structures.
3. The variances are not minor in nature.”

Carried.

Application: **A-2/12**

Owner: **S & W Development Inc.**

Agent: **Jonathan Rodger**

Location: 279-299 Eramosa Road

In Attendance: Jonathan Rodger
Lani Baldassini
Diana Franco
Orceo Franco
Councillor Bob Bell
Councillor Jim Furfaro
Jim Weatherby
Patricia Phelan
Rachel Finney
Monique Len Vortenaar
Scott Tracy
Krystyna Czernicki

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

Jonathan Roger replied the notice sign was posted and comments were received from staff.

Chair L. McNair explained to the neighbours in attendance what matters the Committee would be considering respecting the number of off-street parking spaces and the width of the buffer strip along Stevenson Street.

Jonathan Rodger explained he represented Loblaws who wishes to expand the existing Zehrs store within the existing building and propos to provide an additional retail unit for future tenants. He noted the overall expansion will be 66 square metres. He noted Mr. Thompson, a representative from Loblaws met with the surrounding neighbours in order to address some concerns. He noted that in response to the concerns the existing access from Lane Street will be closed, a new landscaped buffer will be implemented and along Lane Street and Erin Avenue with 3 metre landscaped strip and additional measures are being undertaken to screen the off-street loading area. He noted a parking study was completed for the property which identified no concerns with the reduction in the number of off-street parking spaces.

Diana Franco explained she resides behind the Zehrs store. She noted her dad built their home there in 1954 and at that time truck access to the site was from Erin Avenue. She noted shortly thereafter access to the site was from Erin Avenue was closed and the loading area was moved to the side of the building, away from residential neighbours. She explained the neighbours are concerned about the location of the loading docks in the proposal and would like to see the docks remain at the side of the building.

Jim Weatherby a resident of 35 Erin Avenue expressed concern trucks will be utilizing the parking spaces at the rear of the property and with parking being supplied at the rear of the

store truck will not have any room to manoeuvre. He noted currently trailers park in front of his house 2-3 deep and can utilize up to 24 spaces at the rear of the property. He noted transport trucks idle on the property to have their lunch or to sleep.

Diana Franco expressed concern about the manoeuvring of trucks on the property and the idling of trucks at the rear of the building waiting to unload.

Jonathan Roger noted the loading area was moved to the rear of the building under the suggestion of staff as trucks have difficulty manoeuvring at the front of the property. He noted the parking design has been changed to the front of the building to accommodate safety concerns which will result in trucks not being able to enter the site from Eramosa Road. He noted storage will be moved to the rear of the building as part of the renovations which will provide for a larger area and less trucks waiting for unloading.

Committee member D. Kelly questioned if staff has reviewed the parking study and if they agree there will be adequate parking on site to support the proposal.

Planner R. Kostyan replied staff has reviewed the report and agree with the consultant there will be adequate parking on site to support the expansion and the additional retail space.

Committee member J. Hillen questioned if fencing would be considered as part of the 3 metre landscape strip along Erin Avenue.

Planner R. Kostyan replied the buffer strip would consist of landscaping.

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

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

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Sections 4.13.4.1 and Table 6.2.2 – Row 12 of Zoning By-law (1995)-14864, as amended, for 297-299 Eramosa Road, to expand the existing food store to a total area of 7,155 square metres and include additional retail space within the existing building and add 66 square metres of additional building area for a total area of 10,072 square metres, and,

1. to allow off-street parking to be provided at a ratio of 1:23 square metres of gross floor area allowing for a total of 440 off-street parking spaces when the By-law requires off-street parking be provided at a ratio of 1 parking space for every

18 square metres of gross floor area for a total of 560 off-street parking spaces, and,

2. to permit a 2.25 metre landscape strip adjacent to Stevenson Street when the By-law requires a landscaped strip 3 metres in width adjacent to the street line, except for those areas required for entry ramps,

be approved, subject to the following conditions:

1. That the owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, fencing, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the lands to the satisfaction of the General Manager of Planning and Building Services and General Manager/City Engineer, prior to the issuance of a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.
2. That the owner pays to the City the sum of \$11,390.12 which represents the actual cost of the construction of an extra lane of pavement for deceleration, acceleration and turning purposes, across the Eramosa Road frontage of the lands, complete with new curb, gutter, boulevards, sidewalk and any new catchbasins required, prior to the issuance of a building permit.

Reasons for approval being:

1. The requested variances meet the intent of the Zoning By-law and meet the four tests in the Planning Act.”

Carried

The meeting adjourned at 8:00 p.m.

L. McNair
Chair

Minna Bunnett
Assistant Secretary-Treasurer

K. E. Fairfull, ACST
Secretary-Treasurer

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday April 24, 2012 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell
J. Hillen
B. Birdsell
A. Diamond
L. McNair – Chair

Regrets: D. Kelly, Vice-Chair
J. Andrews

Staff Present: R. Kostyan, Planner
K. Fairfull, Secretary-Treasurer
M. Bunnett, Assistant Secretary-Treasurer

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Meeting Minutes

Moved by r. Funnell and seconded by A. Diamond,

“THAT the Minutes from the April 10, 2012 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

Other Business

The Secretary Treasurer informed that a decision was received from Ontario Municipal Board regarding Application A-1/11 for 129 Baxter Drive which was an appeal regarding Interim Control By-law and accessory apartment size. The application was refused by the Committee. The Ontario Municipal Board dismissed the appeal regarding Interim Control By-law and dismissed the appeal on the accessory apartment size.

The Secretary Treasurer advised that the owner for Application A-15/12 at 106 Clough Crescent has requested a refund of the deferral fee paid. She informed the Committee that the

application was deferred at the February 14th meeting due to a request from the Committee for staff to investigate the installation and approval of dual water meters.

Moved by B. Birdsell and seconded by J. Hillen,

“THAT the Secretary-Treasurer refund ½ of the deferral fee (\$108.50) for Application A-15/12 at 106 Clough Crescent.”

Applications: B-18/12 and B-19/12

Owner: 2144113 Ontario Limited

Agent: Black, Shoemaker, Robinson and Donaldson

Location: 935 and 945 Southgate Drive

In Attendance: Nancy Shoemaker

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

Ms. Shoemaker replied the notice sign was posted and comments were received from staff. She explained industrial mall buildings have been constructed at 945 Southgate Drive and development is currently being considered on the abutting parcel. It was noted that during site plan review a greater side yard would be required 935 Southgate Drive, therefore an application for severance as a lot addition was submitted for consideration of the Committee. In addition there would be mutual rights-of-way and easements for circulation and parking between the two properties.

There were no questions from the members of the Committee.

Application Number B-18/12

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

Moved by B. Birdsell and seconded by J. Hillen,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for a right-of-way over Part of Lot 12, Concession 7,

municipally known as 935 Southgate Drive, identified as Parts 9, 13 and 10 on a draft Reference Plan prepared by Black, Shoemaker, Robinson & Donaldson, known as project 12-9112-1, dated March 23, 2012, in favour of 945 Southgate Drive, to be utilized as a mutual access over the shared driveways and over the mutual parking areas, be approved, subject to the following conditions:

1. The Owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the said lands to the satisfaction of the Director of Planning and the City Engineer, prior to the issuance of a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.
2. That prior to endorsation of the deeds, the servient tenement (935 Southgate Drive), grants a right-of-way over Parts 9, 10 and 13, registered on title, in favour of the dominant tenement (945 Southgate Drive) for mutual vehicular access and circulation over the mutual parking areas.
3. That prior to endorsation of the deeds, the owner's solicitor certifies that the right-of-way/easement in favour of the dominant tenement (945 Southgate Drive) has been granted and registered on title.
4. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to April 27, 2013.
5. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
6. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
7. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Application Number B-19/12

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

Moved by B. Birdsell and seconded by J. Hillen,

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 12, Concession 7, municipally known as 945 Southgate Drive, a parcel (Parts 9, 10 and 13 as illustrated on a draft Reference Plan prepared by Black, Shoemaker, Robinson & Donaldson, project number 12-9112-1, dated March 23, 2012) with a frontage along Southgate Drive of 4.6 metres and a depth of 271.01 metres, as a lot addition to 935 Southgate Drive, along with a right-of-way over Parts 1, 2 and 5 in favour of 935 Southgate Drive, to be utilized as a mutual access over the shared driveways mutual parking areas for both properties, be approved, subject to the following conditions:

1. That the proposed severed parcel of land with a width of approximately 4.60-metres (15.09 feet) by a depth of approximately 271.01-metres (889.14 feet) be conveyed to the abutting owner 935 Southgate Drive as a lot addition only (Form 3 Certificate).
2. That the following covenant is incorporated in the deed:-
"The conveyance of (Severed Lands - legal description - Lot and Plan), City of Guelph, County of Wellington, designated as (Part and 61R-Plan Number) as a lot addition only to (Legal Description of Lands to be joined with - Lot and Plan), and shall not be conveyed as a separate parcel from (Legal Description of Lands to be joined with - Lot and Plan)."
3. That prior to endorsation of the deeds, the servient tenement (945 Southgate Drive), grants a right-of-way over Parts 1, 2 and 5, registered on title, in favour of the dominant tenement (935 Southgate Drive) for mutual vehicular access and circulation over the mutual parking areas.
4. That prior to endorsation of the deeds, the owner's solicitor certifies that the right-of-way/easement in favour of the dominant tenement (935 Southgate Drive) has been granted and registered on title.
5. That prior to endorsation of the deeds, the owner's solicitor certifies that the right-of-way/easement in favour of the dominant tenement (945 Southgate Drive) has been granted and registered on title.

6. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to April 27, 2013.
7. 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.
8. 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.
9. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Application: **A-18/12**

Owner: **Trudy Dickinson**

Agent: **n/a**

Location: **61 Kirkland Avenue**

In Attendance: **Trudy Dickinson**
 Mark Goldberg
 Ursula McMurry
 Michael McMurry

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

Ms. Dickinson replied the notice sign was posted and comments were received. She advised she proposes to construct a new dwelling on the property with side yard setbacks of 4 feet. She noted the building elevations were submitted with the application for review.

Michael McMurry advised his mother resides adjacent to the subject property. He complimented the applicant with proposing a sensitive design to the existing dwellings in the neighbourhood. He questioned if there were controls in the municipality respecting the potential loss of sunlight.

Chair L. McNair noted the roof was sloped which will minimize the impact. He noted the Committee does not have the authority to deal with sunlight.

Trudy Dickinson explained she tried to redesign so building would not be so high as her original proposal.

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

Moved by R. Funnell and seconded by A. Diamond,

“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 61 Kirkland Avenue, to permit a 204.7 square metre single detached dwelling with right and left side yards of 1.22 metres (4 feet) when the By-law requires a minimum side yard of 1.5 metres (4.92 feet), be approved.”

Carried

Application:	A-56/12
Owner:	Christopher Bitton
Agent:	n/a
Location:	33 Mercer Street
In Attendance:	Christopher Bitton Mike Vandervelt

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

Mr. Bitton replied he notice sign was posted and comments were received from staff. He explained that they want to construct a rear addition in line with the existing building walls which are 3 feet from the side lot line.

There were no questions from the members of the Committee.

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

Moved by A. Diamond and seconded by J. Hillen,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 7, for 33 Mercer Street, to permit a 4.2 metre by 6.4 metre (13.92 foot by 21.04 foot) 1½ storey addition to be constructed in line with the existing building walls, 0.88 metres (2.89 feet) from the left side lot line when the By-law requires a minimum side yard of 1.5 metres (4.92 feet), be approved.”

Carried

Application: A-57/12
Owner: 2132338 Ontario Ltd.
Agent: Van Harten Surveying Inc.
Location: 56 Lemon Street
In Attendance: Charles Nash
Jamie Laws

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

Mr. J. Laws replied that the signs were posted and the staff comments were received. He explained the property is on the corner of Lemon and Stuart Streets. He noted there is currently a driveway located where the proposed garage would be built. He explained they are applying for variances for a rear yard setback and depth of the interior garage parking space. He

continued by explaining that they are able to accommodate an interior garage space depth of 5.49 metres and have modified the drawings to illustrate this.

There were no questions from the committee.

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

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

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 8 and Section 4.13.3.2.2 of Zoning By-law (1995)-14864, as amended, for 56 Lemon Street, to permit a 4.57 metre by 5.89 metre (14.99 foot by 19.32 foot) attached garage addition:

1. be located 1.15 metres (3.77 feet) from the rear yard property line when the By-law requires a minimum rear yard of 4.63 metres (15.19 feet), and,
2. have within the garage an interior parking space depth of 5.49 metres (18.01 feet) when the By-law requires a minimum interior parking space depth of 6 metres (19.68 feet),

be approved subject to the following condition:

1. That the existing L-shaped private amenity area located in the right side yard shall be maintained and shall not be compromised with further building expansions.”

Carried

Application:	A-55/12
Owner:	Keith Waechter
Agent:	n/a
Location:	21 Maude Lane
In Attendance:	Keith Waechter Lisa Weinberg

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

Mr. K. Waechter replied that the sign was posted and he did receive the comments from staff via email. He explained that he applied for a hot tub permit after the hot tub was installed and then found out the hot tub must be located 5 feet from the property line. He continued by explaining that the existing deck has been built around the hot tub making it almost impossible to move the hot tub.

Committee member R. Funnell questioned if the applicant would be in agreement with a condition that states that the variance will be valid during the life of the existing hot tub. He continued by explaining that if the hot tub is removed or replaced, the new hot tub would then have to be located the required 5 feet from the property lines.

Mr. K. Waechter replied he would need to then also replace the deck to accommodate the new hot tub.

Planner R. Kostyan commented that there is already a concrete pad under the existing hot tub.

Committee member B. Birdsell noted that the Engineering staff has commented on the approved drainage plan for the property and it is recommended the applicant discuss this with the staff.

Planner R. Kostyan commented that the Engineering staff did not have any issues with the drainage but the drainage plan still needs to be finalized. She noted that there is no knowledge of when the grading will be completed and she would like to change Planning staff's condition regarding the 90 day limit to: "...within 60 days of the final grading being completed".

Chair L. McNair commented to the applicant that it was nice to see positive comments from the neighbours but he noted that the letter given to them for signing erroneously mentioned that the hot tub is located 2 feet from the property line.

Mr. K. Waechter explained that it was a typing error on his behalf.

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

Moved by R. Funnell and seconded by A. Diamond,

“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 4.5.5.3 and Table 4.7 Row 1 of Zoning By-law (1995)-14864, as amended, for 21 Maude Lane, to permit:

1. a hot tub to be located 0.3 metres (1 foot) from the left side yard lot line when the By-law requires a minimum setback of 0.6 metres (1.97 feet) from any lot line, and,
2. a 8.4 metre by 6 metre (27.6 foot by 20 foot) deck to be located 0.15 metres (0.5 feet) from the right side yard lot line when the By-law requires a minimum setback of 0.6 metres (1.97 feet) from a side yard lot line,

be approved with the following condition:

1. That a board on board privacy fence be erected, within 60 days of the final grading being completed, at the expense of the owner of 21 Maude Lane, along the left rear side lot line, joining 21 Maude Lane and 23 Maude Lane, to provide privacy screening and to help to reduce the impact of the noise and activity associated with the outdoor hot tub.”

Carried

Application: **A-58/12**

Owner: **1749351 Ontario Inc.**

Agent: **Zelinka Priamo Ltd.**

Location: **135 Oxford Street**

In Attendance: **Michelle Doornbosch**
 Shawn Stevens

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

Ms. M. Doornbosch replied the signs were posted and the staff comments were received. She explained they do have some concerns with the recommendations staff has proposed. She commented that the lands are designated general residential in the Official Plan and the use is permitted. She explained the Ontario Municipal Board determined that the use is an appropriate use of the land. She further explained that the current owner has noticed it has been difficult to manage the apartments and would therefore like to add a unit for an on-site landlord. She explained there is a school around the corner and often the school students are parking their vehicles on the spaces assigned to their tenants. She commented they would

prefer someone to be on site 24 hours per day to manage the building. She explained that as per comments from tenants, there has been no issue with parking and some tenants do not have vehicles. She commented there is no need for visitor parking spaces. She noted that the Planning staff comment regarding 40 spaces required in an apartment zone is not necessary for this property as per the Ontario Municipal Board. She commented that they feel the request is minor in nature and ask that the Committee approve the application.

Committee member R. Funnell advised he had a concern with a past history of the property going to the Ontario Municipal Board.

Ms. M. Doornbosch replied that an adjacent property owner appealed the previous minor variance decision to the Ontario Municipal Board and those issues have been dealt with.

Committee member B. Birdsell asked for clarification on site plan condition from the 2009 decision and if the site plan is still in compliance.

Planner R. Kostyan replied the site is in compliance and will remain in compliance if this variance is approved.

Chair L. McNair questioned if the on-site landlord will be able to encourage the nearby school's students not to park on the property.

Ms. M. Doornbosch replied that there will be opportunity to do this which will be a better procedure to manage the site than what is currently in place.

Planner R. Kostyan explained that in addition to the Zoning By-law, the Official Plan limits the density to 100 units per hectare. She commented that the landlord could possibly occupy one of the existing units or a landlord could be hired to attend the site periodically.

Ms. M. Doornbosch replied that they do not feel the additional unit will cause a negative impact on the neighbourhood or traffic. She commented that the Provincial Policy Statement promotes growth and density.

Chair L. McNair noted, in his opinion, that a 200 square foot unit is very small in size.

Mr. S. Stevens replied it will be a bachelor unit with an open concept kitchen, essentially a small studio.

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

Moved by B. Birdsell and seconded by J. Hillen,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 5.4.3.1.13.1 and Table 5.4.2 Row 5 of Zoning By-law (1995)-14864, as amended, for 135 Oxford Street, to add a one bedroom unit in the building to accommodate an on-site landlord creating a total of 28 residential units which results in a density of 114 units/hectare when the By-law permits a senior citizen’s rest home for occupancy by up to 100 senior citizens and staff, and a maximum density of 100 units/hectare, be approved”.

Carried

The meeting adjourned at 5:09 p.m.

L. McNair
Chair

Minna Bunnett, ACST(A)
Assistant Secretary-Treasurer

Kim E. Fairfull, ACST
Secretary Treasurer

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday May 8, 2012 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell
J. Hillen
J. Andrews
A. Diamond
L. McNair – Chair
D. Kelly, Vice-Chair

Regrets: B. Birdsell

Staff Present: R. Kostyan, Planner
K. Fairfull, Secretary-Treasurer
M. Bunnett, Assistant Secretary-Treasurer

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Meeting Minutes

Moved by R. Funnell and seconded by A. Diamond,

“THAT the Minutes from the April 24, 2012 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

Other Business

The Secretary Treasurer advised that a hearing date has been scheduled for application B-11/12 at 817 Hanlon Road. The application will be heard on Monday July 23, 2012 at 10:30 a.m. at meeting room 112 at City Hall. The application was consent for severance to create a new residential lot and was refused by the Committee.

The Secretary-Treasurer advised three appeals were received from the decisions from the April 24, 2012 meeting. She advised an appeal was received by Barry Martin against the refusal of the off-street parking variance, being Application A-45/12 at 32 Mason Court; for Application A-53/12, being refusal of an off-street parking variance to permit two driveways for 17 Tolton Drive and

May 8, 2012 C of A Minutes

Application A-15/12 being an off-street parking variance for an accessory unit at 106 Clough Crescent. She advised all the files have been forwarded to the Ontario Municipal Board.

Application: B-20/12 and B-21/12

Owner: 1320160 Ontario Inc. (265 Hanlon Creek Boulevard)
Wentrob Holdings (285 Hanlon Creek Boulevard)

Agent: James Fryett Architect, Brian McCulloch

Location: 265 and 285 Hanlon Creek Boulevard

In Attendance: Andrew Anderson

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Anderson replied there were two signs which were posted and comments were received from staff. He explained there are two applications being considered for a joint driveway between the two properties to keep the number of driveways to a minimum on both sites. He further noted an easement is being requested over the portion of the right-of-way at 265 Hanlon Creek Boulevard for the benefit of 285 Hanlon Creek Boulevard for maintenance of a sanitary sewer lateral.

There were no questions from the Committee.

Application Number B-20/12

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 a. D. Kelly and seconded by J. Andrews,

“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 right-of-way and easement over Part Block 10, Registered Plan 61M-169, described as Part 2 on draft Reference Plan prepared by Van Harten Surveying Inc., known as project No. 20341-11, dated April 9, 2012, municipally known as 265 Hanlon Creek Boulevard, an easement with a width of 4.5 metres and a depth of 10.4 metres, to be utilized as a mutual access for both 265 and 285 Hanlon Creek Boulevard and for an sanitary sewer easement in favour of 285 Hanlon Creek Boulevard, be approved, subject to the following conditions:

1. The owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the said lands to the satisfaction of the Director of Planning and Building Services and the General Manager/City Engineer, prior to the issuance of a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.
2. That prior to endorsation of the deeds, the servient tenement (265 Hanlon Creek Boulevard, Part of Block 10, Registered Plan 61M-169), grants a right-of-way and easement approximately 4.50-metres (14.76 feet) wide by approximately 10.40-metres (34.12 feet) long over Part 2, registered on title, in favour of the dominant tenement (285 Hanlon Creek Boulevard, Part of Block 10, Registered Plan 61M-169) for mutual vehicular access and for a sanitary sewer service.
3. That prior to endorsation of the deeds, the owner's solicitor certifies that the right-of-way/easement in favour of the dominant tenement (285 Hanlon Creek Boulevard, Part of Block 10, Registered Plan 61M-169) has been granted and registered on title.
4. That prior to issuance of a building permit, the applicant make satisfactory arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the possible relocation of the hydro poles that are in conflict with the new driveways. The relocation cost would be at the owner's expense.
5. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to May 11, 2013.
6. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
7. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
8. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

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 a. D. Kelly and seconded by J. Andrews,

“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 right-of-way and over Part Block 10, Registered Plan 61M-169, described as Part 1 on draft Reference Plan prepared by Van Harten Surveying Inc., known as project No. 20341-11, dated April 9, 2012, municipally known as 285 Hanlon Creek Boulevard, an easement with a width of 4.5 metres and a depth of 10.4 metres, to be utilized as a mutual access for both 265 and 285 Hanlon Creek Boulevard, be approved, subject to the following conditions:

1. The owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the said lands to the satisfaction of the Director of Planning and Building Services and the General Manager/City Engineer, prior to the issuance of a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.
2. That prior to endorsonation of the deeds, the servient tenement (285 Hanlon Creek Boulevard, Part of Block 10, Registered Plan 61M-169), grants a right-of-way approximately 4.50-metres (14.76 feet) wide by approximately 10.40-metres (34.12 feet) long over Part 1, registered on title, in favour of the dominant tenement (265 Hanlon Creek Boulevard, Part of Block 10, Registered Plan 61M-169) for mutual vehicular access.
3. That prior to endorsonation of the deeds, the owner’s solicitor certifies that the right-of-way/easement in favour of the dominant tenement (285 Hanlon Creek Boulevard, Part of Block 10, Registered Plan 61M-169) has been granted and registered on title.
4. That prior to issuance of a building permit, the applicant make satisfactory arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the possible relocation of the hydro poles that are in conflict with the new driveways. The relocation cost would be at the owner’s expense.
5. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to May 11, 2013.
6. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.

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

Carried.

Application: **A-24/12**

Owner: **Walt Kelly Ltd.**

Agent: **Walt Kelly**

Location: **415 Woodlawn Road West**

In Attendance: **Chris Sims**
 Grant Campbell

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

Mr. Sims from Gamsby and Mannerow explained the owner has submitted plans to add gasoline pumps to the site along with an accessory convenience store.

Chair L. McNair noted it appears the owner worked out the concerns with city staff after the deferral of 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. Kelly and seconded by A. Diamond,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 6.4.3.2.2.1 and Table 6.4.2 Row 4 of Zoning By-law (1995)-14864, as amended, for 415 Woodlawn Road West, to construct a 320 square metre (3,500 square foot) convenience store in association with a vehicle gas bar when the By-law allows for a variety of permitted uses but does not permit a convenience store, and to permit the building to be located 3 metres (9.8 feet) from the exterior side yard when the By-law requires a minimum exterior side yard of 6 metres (19.7 feet), be approved, subject to the following condition:

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 buildings, landscaping, parking, circulation, 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.”

Carried

Application: **A-62/12**

Owner: **Penny Graziotto**

Agent: **n/a**

Location: **167 Dufferin Street**

In Attendance: **John Fabianik**
 Peter Brimblecombe

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

Mr. Fabianik replied the notice sign was posted and comments were received from staff. He explained they are attempting to repair the existing concrete stoop that is pulling away from the building with a slightly wider porch but it will not extend into the street any further.

There were no questions from the members of the Committee.

Mr. Brimblecombe explained his family owns the property abutting this property. He had no concern about the porch location within the sightline triangle and supported the application for the new porch.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose

of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

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

“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 4.6.1i) and Table 4.7 - Row 1 of Zoning By-law (1995)-14864, as amended, for 167 Dufferin Street, to construct a 3.04 metre by 1.27 metre (4.16 foot by 9.97 foot) uncovered porch, and,

- a) to permit the uncovered porch to be located 0.4 metres (1.31 feet) from the Dufferin Street property line and the proposed stairs to be located 0 metres from the Dufferin Street property line when the By-law requires a minimum setback of 0.8 metres (2.62 feet) from the front property line, and,
- b) to permit the uncovered porch and stairs to be constructed within the corner sightline triangle when the By-law requires no structure be located within the corner sightline triangle,

be approved, subject to the following conditions:

- 1. 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 proposed stairs on the Dufferin Street road allowance and the encroachment of an existing chainlink and post fence on the Clarence Street road allowance; or,
- 2. That prior to the issuance of a building permit, the owner applies to the City Solicitor to have the existing encroachment agreement amended to include the additional encroachment width of the proposed stairs on the Dufferin Street road allowance and the encroachment of an existing chainlink and post fence on the Clarence Street road allowance and obtains approval for the encroachments.”

Carried

Application: **A-59/12**

Owner: **Hugo and Jacqueline Jimenez**

Agent: **n/a**

Location: **302 Metcalfe Street**

In Attendance: Hugo Jimenez

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

Mr. Jimenez replied that the sign was posted and comments were received from staff. He explained that when he read the staff comments, he noticed that Planning staff is opposing his application. He further explained that he has noticed that there are other attached garages located beyond the front wall of the house in his neighbourhood. He wished to point out that different variance situations already exist in the vicinity, for example his garage shop is only 14 inches away from the property line. He explained that his main reason for building the addition is due to his family growing and financially this is their only option to create more space. He further explained that the addition will allow for one of the existing bedrooms to become a much needed dining room.

Committee member R. Funnell questioned if there is any merit to defer the application to allow for more dialogue with the staff.

Planner R. Kostyan replied that she would like to see more details on the proposed addition. She explained she has not seen elevation drawings or a floor plan of the first floor. She further explained that if the second storey of the proposed addition is flushed with the first floor below, a variance would not be required for the garage projection. She noted that a setback requirement for an accessory structure, such as the work shop, is only 0.6 metres but an addition must be located a minimum of 1.5 metres from the property line.

Mr. H. Jimenez replied he was not able to do the drawings yet due to financial reasons. He explained that there will be a second storey on top of the garage.

Committee member J. Andrew expressed concern regarding lack of details and how Planning staff was not able to make a complete recommendation due to this.

Committee member D. Kelly commented that, in her opinion, the Committee is not able to make a decision on the application until all the details have been received.

Chair L. McNair commented that the Committee has expressed that they prefer to defer the application in order for the applicant to provide more information on the proposal. He further reminded the applicant that a payment of a deferral fee will be required. He recommended the applicant to provide a written request for the refund of this deferral fee when he returns to the Committee.

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

“THAT Application A-59/12 for Hugo and Jacqueline Jimenez at 302 Metcalfe Street, be deferred sinedie, to provide detailed drawings on the proposal and in

accordance with the Committee's policy on applications deferred sine die, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application."

Carried

Application: **A-61/12**

Owner: **William and Karen Kozak**

Agent: **n/a**

Location: **10 Clough**

In attendance: **William Kozak**
 Karen Kozak

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

Mr. W. Kozak replied they did post the sign and they also received the staff comments. He explained they applied for a variance to keep an extension of their driveway which he considers to be a sidewalk. He further explained that they own a large truck and their neighbour owns a van. He commented that due to them sharing the driveway, it is often difficult to get to the front door. He noted that his sister-in-law has MS and she needs assistance to get to the front door. He explained he expanded the driveway width by placing four 10 inch cement blocks in a row along the asphalt driveway to make it easier for snow removal. He further explained that the neighbour often leaves either the back or front end of their vehicle on his side of the driveway and the extension would solve that problem.

Committee member D. Kelly questioned whether the City staff can address the problem with the neighbour encroaching onto the applicant's side of the driveway.

Planner R. Kostyan replied that this is a discussion the owner needs to have with the neighbour.

Committee member A. Diamond questioned staff whether the extension would have enough room for two cars being parked side by side.

Planner R. Kostyan replied that there is not quite enough room for two, as per the minimum dimensions given in the Zoning By-law, but when a City inspector drove by the property, there were two cars parked side by side. She commented that if two vehicles can fit side by side, there should not be a problem with parking of one vehicle.

Mr. W. Kozak replied that their purpose was not to park two vehicles side by side.

Planner R. Kostyan explained that the walkway is permitted as long as it is not being used for parking.

Committee member D. Kelly commented that staff has indicated that if the applicant is only using the walkway for walking, he is entitled to do so. She continued by clarifying that the variance applied for is for using the walkway for parking. She commented that if the walkway is not being used for parking, the variance is not required.

Planner R. Kostyan explained that the driveway is permitted to be as wide as the garage. She further explained that if the owner would like to keep parking on the cement walkway, staff could not support the variance.

Committee member J. Hillen questioned that since the walkway can remain if not used for parking, does the owner need more asphalted driveway to fit his vehicles.

Mr. W. Kozak explained that when you open the door of a vehicle to get out, there is no room to step out except on the grass or the snow.

Planner R. Kostyan clarified that there has been evidence of parked vehicles on the walkway and on the grass. She further clarified that the vehicles can be parked on the asphalted area only.

Mr. W. Kozak replied that 99% of the time there is no vehicle parked on the walkway but it does happen occasionally.

Chair L. McNair questioned whether there is a need to have a variance for the asphalted area of the driveway being wider than 2.89 metres.

Planner R. Kostyan clarified that the driveway is allowed up to the edge of the outside walls of the garage and noted the existing asphalt driveway does not extend beyond the outside walls of the garage.

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. Kelly and seconded by A. Diamond,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 5.3.2.8 of Zoning By-law

(1995)-14864, as amended, for 10 Clough Crescent, to permit a driveway width of 4.76 metres (15.61 feet) when the By-law requires that the front yard on any lot, excepting the driveway, shall be landscaped and no parking shall be permitted within this landscaped open space and that the driveway width shall not exceed the garage width of the unit, as measured from the outside walls of the garage, be refused.

Reasons for refusal being:

1. The variance does not meet the intent of the Zoning By-law,
2. The variance would create a negative impact on the community, and,
3. The variance is not minor in nature.”

Carried.

Application: A-60/12

Owner: Daria and Grant Broeckel

Agent: D and A Home Renovations, Eric Bosse

Location: 314 Paisley Road

In Attendance: Eric Bosse

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

Mr.E. Bosse replied that the sign was posted and he did receive the staff comments. He explained that currently there is an existing staircase leading to the second floor. He further explained that the stairs have not been built according to the Ontario Building Code regulations and must be rebuilt. He commented that an engineer who designed the new stairs moved the posts back as far as possible trying not to encroach on the parking spaces. He further commented that they considered building the stairs at the back of the dwelling but this was not feasible.

Chair L. McNair questioned if the driveway depth is a requirement due to regulations for an accessory apartment.

Mr. E. Bosse replied that this is correct.

Committee member D. Kelly questioned staff how many units currently exist in the dwelling.

Planner R. Kostyan replied that the property has a legal non-conforming status for two units. She explained that the accessory apartment on the second floor was approved with two required parking spaces in 2003. She further explained that after an inspection the staff noticed a third unit in the basement which is not permitted.

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

Moved by J. Andrew and seconded by J. Hillen,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.13.3.2.2 of Zoning By-law (1995)-14864, as amended, for 314 Paisley Road, to construct exterior stairs leading to the accessory apartment on the second level resulting in the second exterior parking space (behind the main wall of the dwelling) to have a depth of 4.5 metres (14.77 feet) when the By-law requires a minimum exterior parking space depth of 5.5 metres (18.04 feet),

be approved subject to the following condition:

1. That the existing basement kitchen along with cabinets be removed within 30 days of the decision.”

Carried

The meeting adjourned at 5:03 p.m.

L. McNair
Chair

Minna Bunnett, ACST(A)
Assistant Secretary-Treasurer

Kim E. Fairfull, ACST
Secretary-Treasurer

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday June 12, 2012 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell
J. Hillen (until 5:30 p.m.)
J. Andrews
L. McNair – Chair
D. Kelly, Vice-Chair
A. Diamond

Regrets: B. Birdsell

Staff Present: R. Kostyan, Planner
M. Witmer, Planner
K. Fairfull, Secretary-Treasurer
M. Bunnett, Assistant Secretary-Treasurer

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Meeting Minutes

Moved by R. Funnell and seconded by A. Diamond,

“THAT the Minutes from the May 8, 2012 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

Other Business

The Secretary Treasurer advised that a hearing date has been scheduled for Application A-53/12 at 17 Tolton Drive. The application will be heard on Thursday August 2, 2012 at 10:30 a.m. at meeting Room 112 at City Hall. The application was to add a second driveway and was refused by the Committee.

The Secretary Treasurer advised that a hearing date has been scheduled for Application A-45/12 at 32 Mason Court. The application will be heard on Monday July 16, 2012 at 10:30 a.m.

at meeting Room 112 at City Hall. The application was to permit two off-street parking spaces in lieu of the three required for an accessory apartment and was refused by the Committee.

The Secretary-Treasurer noted a written request for a reduction in the application fees was received from the agent for Applications B-24/12, B-25/12, B-26/12, A-73/12, A-74/12 and A-75/12 at 19 Preston Street. It was suggested the address the matter when the application was heard by the Committee.

The Secretary-Treasurer explained members A. Diamond and J. Hillen attended the annual conference in Burlington with staff from June 4-6. An index of texts was distributed to members. She advised if there was interest in any of the written material to advise staff.

Committee member J. Hillen commented the session on conflict of interest was very informative.

Application: **A-65/12**

Owner: **FCHT Holdings (Ontario) Corporation**

Agent: **Wellings Planning Consultants Inc.**

Location: **3-105 Clair Road East**

In Attendance: **Nancy Frieday**

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

Ms. Frieday replied the notice signs were posted and comments were received from staff. She noted the zoning amendment for the subject lands was approved with a maximum retail floor area of 14,000 square metres. She noted they are finalizing the designs for tenants which has resulted in an additional 100 square metres of retail floor area. She noted staff are in support of the request.

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. Kelly and seconded by A. Diamond,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 6.2.3.2.20.2.4 of Zoning By-law (1995)-14864, as amended, for 3-105 Clair Road East, to increase the combined gross floor area to 14,100 square metres (151,771.14 square feet) when the By-law permit a maximum gross floor area for all buildings on the property of 14,000 square metres (15,694.47 square feet), be approved

Reasons for approval being: -

1. The variance is minor in nature and meets four tests in the Planning Act.”

Carried

Application: **A-64/12**

Owner: **Sheri Mann**

Agent: **Duc Thach**

Location: **27 Woodlawn Road West**

In Attendance: **Duc Thach**

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

Mr. Thach replied the notice sign was posted and comments were received.

Mr. Thach explained they would like to establish a nail salon at the plaza at 27 Woodlawn Road which requires a variance to permit the use.

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 A. Diamond and seconded by J. Andrews,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 6.4.3.2.3.1 of Zoning By-law (1995)-14864, as amended, to permit a Personal Service Establishment at 27 Woodlawn Road, West, Unit 2A comprising an area of 81.9 square metres (882

square feet) when the By-law permits a variety of commercial uses but does not permit a Personal Service Establishment, be approved, subject to the following condition:

1. That the gross floor area of the proposed Personal Service Establishment be limited to 81.9 square metres (882 square feet).

Reason for approval being:

1. The variance will result in appropriate use of the land.”

Carried

Application: B-23/12

Owner: Cargill Canada Holdings III (2006) Inc.

Agent: Black, Shoemaker, Robinson and Donaldson, Ian Robinson

Location: 109 Woodlawn Road West

In Attendance: Brian Beatty

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

Mr. Beatty replied the notice sign was posted and comments were received from staff. He noted there was an easement previously registered on the subject parcel under the Ontario Energy Act to define the hydro line, however the lawyers for Guelph Hydro prefer the protection be verified by a consent 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 J. Andrews and seconded by A. Diamond,

“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 an easement over Part Lot 1, Concession 4, Division ‘D’, more particularly described as Part 1 on a sketch prepared by Black, Shoemaker, Robinson & Donaldson, to illustrate proposed easement (dated May 15, 2012, project number 11-8889-1), being part of the lands municipally known as 109 Woodlawn Road West, an easement with a width of 3.0 metres (9.84 feet) along Woodlawn Road West and a depth of 39.048 metres (128.11 feet), to protect an existing hydro pole and guy wires, be approved, subject to the following conditions:

1. That prior to endorsation of the deeds, the servient tenement (Cargill Canada Holdings III (2006) - 109 Woodlawn Road, West, Part of Lots 1 and 2, Concession 4, Division "D", being Part 2 on the applicant's draft sketch, grants an easement approximately 3.00-metres (9.84 feet) along Woodlawn Road by a depth of approximately 39.048-metres (128.11 feet), being Part 1 on the applicant's draft sketch) registered on title, in favour of the dominant tenement (Guelph Hydro), for protection of an existing hydro pole and guy wires.
2. That prior to endorsation of the deeds, the owner of 109 Woodlawn Road, West (Part of Lots 1 and 2, Concession 4, Division "D"), being Part 2 on the applicant's draft sketch, shall have an Ontario Land Surveyor prepare a reference plan identifying the easement.
3. That prior to endorsation of the deeds, the owner's solicitor of 109 Woodlawn Road, West (Part of Lots 1 and 2, Concession 4, Division "D"), being Part 2 on the applicant's draft sketch, certifies that the easement in favour of Guelph Hydro, being Part 1 on the applicant's draft sketch, has been granted and registered on title.
4. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to June 15, 2013.
5. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
6. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
7. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Application: **A-76/12**

Owner: **Valentina Buttinger**

Agent: **GSP Group Inc., Caroline Baker**

Location: **1340 Gordon Street**

In Attendance: **Hugh Handy**
 Joe Harris - Stantec

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

Hugh Handy, the agent from GSP Group replied the signs were posted and comments were received from staff. He further noted Joe Harris from Stantec is available as he is the engineer for the project. He explained the nature of the application and advised the sales centre would be utilized temporarily for the sale of the units for the 7 storey apartment building at 1291 Gordon Street. He noted the sales centre will comprise one 2 bedroom model unit and a small office space. He noted the lands comprising 1291 Gordon Street contains many natural heritage areas and a city storm water management area is located near the street access therefore it will be difficult to place a sales centre on the site.

Committee member D. Kelly questioned if they were in agreement with the recommended conditions.

Mr. Handy replied they had no objection to the recommendations.

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. Kelly and seconded by J. Hillen,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.21.5 of Zoning By-law (1995)-14864, as amended, for 1340 Gordon Street, to establish a real estate sales office to support the sales at 1291 Gordon Street when the By-law permits a real estate sales office as an occasional use on a construction site only, be approved, subject to the following conditions:

1. The Lessee shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of the real estate sales office, landscaping, parking, circulation, access, lighting, grading and drainage and servicing (if required) on the said lands to the satisfaction of the General Manager of Planning, Building and the General Manager/City Engineer, prior to the issuance of a building permit. Furthermore, the Lessee shall develop the said lands in accordance with the approved site plan.
2. Prior to site plan approval, the Lessee shall submit a stormwater management design brief prepared by a Professional Engineer showing how onsite stormwater control measures will be provided to prevent uncontrolled on-street sheet flow of water.
3. That the Lessee enters into a Site Plan Agreement registered on the title of the property prior to the issuance of a building permit, requiring that the real estate sales office be removed within three (3) years of the issuance of the building permit.
4. That the Lessee pays the actual cost of the construction of the new driveway entrance and the required curb cut, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the use of the property for a real estate sales office.
5. That the Lessee pays the actual cost associated with the removal of the existing driveway entrance, the restoration of the boulevard with topsoil and sod and the required curb fill, as determined necessary by the General Manager/City Engineer being paid, prior to the real estate sales office being removed from the site.
6. That the lessee enters into an Agreement registered on the title of the property prior to the issuance of a building permit, requiring that
 - a) The real estate sales office be removed when final construction of the development at 1291 Gordon Street is completed; or
 - b) A final building inspection is completed at 1291 Gordon Street; or
 - c) Three (3) years have lapsed since the issuance of the real estate sales office building permit at 1340 Gordon Street; whichever event occurs first.”

Carried

Application: **A-63/12**

Owner: **Surrey Street Investments**

Agent: **Smith Valeriotte, David Smith**

Location: 67 Surrey Street East

**In Attendance: John Valeriote
Brian Havelling
Ben Bryce**

The Assistant Secretary-Treasurer advised a letter was received from the Grand River Conservation Authority (GRCA) dated May 25, 2012. She advised that GRCA has issued a permit to replace underground fuel tanks and to construct a kiosk.

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

Mr. J. Valeriote replied that the sign was posted and he did receive the staff comments and agree with them. He explained that the service station has been on this property for almost 80 years. He further explained that the lengthy construction done on Wyndham Street resulted in a complex exit and entry on to the site. He noted that the City has erected four bollards on the sidewalk for safety reasons. He continued by noting that the bollards are creating it difficult for vehicles to enter and exit the property. He commented that the solution to improve this is to realign the kiosk in an angled position that improves the ingress and egress situation. He explained there is no room to move the kiosk back because there is also servicing of vehicles done on this property. He expressed a concern regarding comments from Planning Services regarding the encroachment. He explained there would be two small triangular pieces of concrete on City property. He recommended the Committee add a condition as part of the approval of the application which requires the owner to enter into an encroachment agreement with the City.

Planner R. Kostyan commented that on the submitted site plan, she was not able to clearly see where the property lines are and therefore does not know how large the encroachment is.

Committee member D. Kelly questioned whether a deferral would be preferred since Planning Services staff feels the application is premature.

Planner R. Kostyan replied that she has a concern regarding the encroachment and Engineering staff is not present to view a legible survey that was submitted at the beginning of this hearing.

Mr. J. Valeriote commented that any concerns from engineering staff should be satisfied if a condition is added regarding the encroachment.

Committee member J. Hillen questioned if it is only the concrete encroachment that is a concern and not vehicles.

Planner R. Kostyan replied that staff feels they did not have enough details on a possible encroachment on City right-of-way.

Committee member J. Hillen questioned the applicant whether they are adding more pumps or parking more vehicles on the site.

Mr. J. Valeriotte replied that they are not adding pumps or changing the parking.

Committee member R. Funnell questioned whether it would be acceptable to approve the application with adding a condition for the encroachment agreement.

Planner R. Kostyan had no concern with the recommendation.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

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

“THAT in the matter of an application under Section 45(2)(a)(i) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to extend the legal non-conforming use at 67 Surrey Street East, to:

- a) relocate the gasoline pumps which will be located 0.3 metres (1 foot) from the Surrey Street property line and 0 metres from the Wyndham Street South property line, and,
- b) relocate the full serve kiosk which will be located 2.43 metres (8 feet) from the Surrey Street property line,

be approved, subject to the following conditions:

1. The owner submits an as-built site plan and grading plan and receive approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of existing buildings, gas pumps and kiosk, landscaping, parking, circulation, access, lighting, grading and drainage, servicing and the proposed relocation of the gasoline pumps and the proposed full serve kiosk, to the satisfaction of the General Manager of Planning and Building, prior to the use of the relocated gasoline pumps and the full serve kiosk.
2. That the owner shall develop the property in accordance with the approved as-built plans, within one hundred and twenty (120) days of site plan approval.
3. That the owner submits an application and receives approval for an encroachment agreement with respect to the proposed concrete apron proposed as part of the relocation of gasoline pumps and kiosk.”

Carried

Application: B-22/12

Owner: Granite Holdings Ontario Ltd.

Agent: Astrid J. Clos Planning Consultants

Location: 7 Edinburgh Road South

In Attendance: Astrid Clos
Terry Ellery
Mark Godman
Marianne Kocher
Anne Kraus
Shawn Kraus

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

Ms. A. Clos replied that the signs were posted and the staff comments were received. She explained that the owners of the property are residential developers and they will apply to amend the zoning for the remaining parcel. She commented that she received clarification from Engineering Services regarding their conditions numbered 1, 6, 7 and 8 to specify that they address the severed lands.

Ms. M. Kocher, who is a resident in the area, questioned what would be done with the retained land. She also questioned when any development would be occurring.

Ms. A. Clos replied that they are not proposing to change the industrial B.4 zone and only the severed parcel will be zoned residential. She explained that a zone amendment application has to be submitted which goes to Council for approval. She noted the neighbours would be notified when this is occurring. She assured the audience that no existing private property would be affected with the development.

Planner R. Kostyan commented that Planning Services has a condition in place where a zone amendment is required for the retained parcel prior to endorsement of the deeds.

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

Moved by J. Andrews and seconded by A. Diamond,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lots 2 and 3, Division ‘A’, municipally known as 7 Edinburgh Road South, a parcel with a frontage along Edinburgh Road South of 33.88 metres (111.15 feet) and a total area of 1.27 hectares, 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 for the lands to be severed indicating the location of buildings, 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 a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.
2. The owner shall pay the actual cost of constructing and installing any service laterals including the cost of any curb cuts or fills required, to the proposed severed lands, furthermore, prior to site plan approval, the owner shall pay to the City the estimated cost of the service laterals, as determined by the General Manager/City Engineer.
3. That the owner pays all the costs associated with the removal of the existing service laterals across the proposed retained lands and the city road allowance, prior to endorsation of the deeds.
4. That the owner pays all the costs associated with the removal of a portion of the existing building, concrete pads, asphalt pavement and the chain link fence from the proposed retained lands, prior to endorsation of the deeds.
5. That prior to the issuance of any building permits on the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed severed lands.
6. That the owner constructs the new building on the lands to be severed at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
7. Prior to site plan approval, the owner shall have a Professional Engineer design a grading plan and storm water management system for the lands to be severed, satisfactory to the General Manager/City Engineer.
8. That the owner grades, develops and maintains the lands to be severed including the storm water management system designed by a Professional Engineer, in accordance with the Site Plan and Grading and Drainage Plan that have been submitted to and approved by the General Manager/City Engineer. Furthermore,

- the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the stormwater management system was built as it was approved by the City and that it is functioning properly.
9. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed severed lands, prior to the issuance of any building permits.
 10. That the applicant submits a Zoning By-law Application and applicable fees prior to endorsement of the deeds for the rezoning of the retained parcel for residential purposes.
 11. That the portion of the existing building on the subject property straddling the line of severance be demolished prior to endorsement of the deeds.
 12. That prior to endorsement of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions, and to develop the site in accordance with the approved plans.
 13. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to June 15, 2013.
 14. 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.
 15. 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.
 16. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Application: **A-72/12**

Owner: **Sharon Vettoretto**

Agent: **Flavio Vettoretto**

Location: **72 Brant Avenue**

In Attendance: **Flavio Vettoretto**
 Sharon Vettoretto

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

Mr. F. Vettoretto replied that the sign was posted and the staff comments were received. He explained he is installing an in-ground swimming pool that will be located 1 metre from the property line. He further explained that there is not much room at the rear of the property, which is why the concrete will go right to the property line. He commented that he understands there is a need for permeable soil between the concrete and property line to allow for water run-off. He explained he is proposing to have the pool at a slightly lower level than the neighbour's grade so a water retention system can catch any rainwater. He noted his goal is to develop a water retention system that he can market to others in the future. He explained that he has discussed his proposal with the City engineering and plumbing departments and has adjusted his drawings to meet any concerns they previously had.

There were no questions from the Committee.

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

Moved by A. Diamond and seconded by R. Funnell,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.5.5.3 and Table 4.7 Row 1 of Zoning By-law (1995)-14864, as amended, for 72 Brant Avenue, to construct a 3.04 metre by 4.26 metre (10 foot by 14 foot) in-ground swimming pool and associated decking in the rear yard, and,

- a) to permit the proposed in-ground swimming pool to be located 0.99 metres (3.25 feet) from the rear property line when the By-law requires that an in-ground

- swimming pool be located a minimum of 1.5 metres (4.92 feet) from the rear lot line, and,
- b) to permit the associated decking to be located 0.07 metres (0.25 feet) from the rear property line when the By-law requires that any decking (uncovered porch) be located a minimum of 0.6 metres (1.96 feet) from the rear lot line,
- be approved.”

Carried

Jeff Hillen left the meeting at 5:30 p.m.

Application: **A-66/12**

Owner: **Thorsten and Dana Luhmann**

Agent: **n/a**

Location: **530 Whitelaw Road**

In Attendance: **Dana Luhmann**

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

Ms. D. Luhmann replied that the sign was posted and the staff comments were received. She explained that they are proposing to build an addition over an existing garage. She commented that they looked into building the addition at the rear of the dwelling but this was not feasible. She explained that the shed was on the property when they purchased the house and it is located 1 foot from the property line.

There were no questions from the Committee.

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

Moved by D. Kelly and seconded by A. Diamond,

“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 6 and Section 4.5.1.2 of Zoning By-law (1995)-14864, as amended, for 530 Whitelaw Road,

- a) to construct a 3.5 metre by 7.7 metre second storey addition above an existing garage 5.04 metres from Whitelaw Road when the By-law requires that any new additions have a minimum front yard setback of 6 metres, and,
- b) to permit the existing 2.5 metre by 3.7 metre shed to be located 0.3 metres from the rear property line when the By-law requires that any accessory building be located a minimum of 0.6 metres from any lot line,

be approved.”

Carried

Application: **A-71/12**

Owner: **Nuala Ireland**

Agent: **Monarch Landscape Management Services, Dave Van Dam**

Location: **66 Grange Street**

In Attendance: **Robert Ireland**
 Dave Van Dam

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

Mr. D. Van Dam replied that the sign was posted and the staff comments were received. He explained that the dwelling was built in 1875. He commented that through pre-consultation with the City staff he understands why the Zoning By-law regulations are in place. He explained that the property is very unique with a 142 foot frontage and backs to Hepburn Avenue. He commented that the purpose of the application is to provide a circular access off Grange Street. He explained that the circular driveway will assure there will be no vehicles backing out of the driveway onto Grange Street. He further explained that the landscaping plays a big part on the presence of the property and they have no intention to cut down large heritage trees. He noted they have reduced the driveway width to 14.5 feet.

Committee member D. Kelly questioned staff whether there would be a safety issue with a circular driveway on a busy street or if this is a better idea for being able to drive around the driveway and not back out.

Planner R. Kostyan replied that the applicant did originally propose a hammerhead as an option for turning vehicles around which might be safer. She continued by noting that she does not feel having two driveway accesses of Grange Street would be any safer.

Committee member R. Funnell commented that the property in question is a unique through lot with a wide frontage but is concerned with setting a precedent by permitting a third driveway access.

Committee member D. Kelly commented that a better option might be not having a second access but to create a space where vehicles could turn around.

Mr. D. Van Dam replied that they reduced the driveway width from 7.5 metres to 4.4 metres and the driveway off Grange Street is not intended for primary use. He continued by explaining that the garage entrance is off Hepburn Avenue and that is the main driveway. He noted that the traffic off Grange Street will be minimal and is designed for visitors.

Planner R. Kostyan commented by recommending that the Committee add a condition regarding the maximum 14.5 feet wide driveway if the application is approved.

Chair L. McNair questioned the applicant whether they are making it clear which way to enter and which way to exit.

Mr. D. Van Dam replied that they have placed the property address on one of the pillars indicating entrance to the property. He explained that the hammerhead idea would not work out because the design made it look like a parking lot. He further explained that was not the intent. He continued by commenting that the intent is to park inside the two-car garage and not on the circular driveway. He also commented that for large social gatherings there is parking on the street and the narrow width of the driveway does not leave room for parking and manoeuvring through the circular driveway.

Committee member R. Funnell suggested adding a condition for marking the entrance and exit clearly and limiting the driveway width to 14.5 feet.

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

Moved by R. Funnell and seconded by A. Diamond,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.13.7.2 ii) of Zoning By-law (1995)-14864, as amended, for 66 Grange Street, to permit a circular

driveway off Grange Street resulting in three driveway accesses for the property (two off Grange Street) when the By-law requires that one driveway access only shall be created per residential property and such driveway shall have a maximum width of 7.5 metres,

be approved subject to the following conditions:

1. That one of the access points be marked clearly "exit only, do not enter", and
2. That the maximum driveway width for the whole driveway be 4.4 metres.

Reason for approval being: -

1. The existing lot is a double width lot with a 143 foot frontage which can support two driveway entrances."

Carried

Application: **A-31/12**

Owner: **Rajdevinder and Satinder Kambo**

Agent: **Imad Syed**

Location: **127 Baxter Drive**

In Attendance: **Imad Syed**

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

Mr. Syed replied the notice sign was posted and comments were received from staff. He noted the application was deferred on March 13th and minors changes were to what was requested in March which resulted in removal of the concrete along the mutual property line between 127 and 129 Baxter Drive with the exception of a small stamped concrete area with an area of 0.76 metres in front of the garage, which assists in accessing the rear yard.

Committee member R. Funnell questioned if the applicant was aware they were blocking the drainage course in contravention to the drainage plan for the subdivision.

Mr. Syed replied he has met with Engineering staff and they advised that as long as it is following the current swale there would not be a concern.

Planner R. Kostyan advised she spoke with Engineering staff and they concerned about the blocking of the drainage swale. She noted staff did recall speaking with the applicant and they made it clear the swale should not be blocked.

Mr. Syed noted they advised that as long as the drainage flows along with the swale there would be no concern.

Committee member D. Kelly expressed concern about the application. She noted Engineering staff has examined the issue carefully and the Committee has to rely on their expertise. They clearly state the property is not in compliance with the approved drainage plan and as such the driveway extension will have negative impact on adjacent neighbour's.

Mr. Syed noted he is well aware of the four rules for minor variance and noted the entire driveway is not in violation and noted this is only a small area of the driveway.

Planner R. Kostyan noted the drainage plan is not registered on title until the site is in compliance with the drainage plan and until a swale is provided the site will not be cleared from title. She noted the Committee is dealing with the portion of the concrete forming part of the driveway in front of the garage as the Zoning By-law applies to the landscaping strip at the front of the property. She noted interruption of the swale with concrete in the side yard and in the rear yard is not before the Committee.

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

Moved by D. Kelly and seconded by J. Andrews,

“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 12 of Zoning By-law (1995)-14864, as amended, for 127 Baxter Drive, to permit a 0.76 square metre stamped concrete area at the top of the property to be located 0 metres from the left side property line when the By-law requires that a landscaped strip with a minimum width of 0.5 metres be provided between the driveway and the side lot line, be refused.

Reasons for refusal being: -

1. The application does not meet the four tests for minor variance.
2. The variance would have a negative impact on surrounding neighbours.
3. The variance would result in non-compliance with the subdivision drainage plan.”

Carried.

Application: A-32/12

Owner: Tanveer Asim and Asim Ali Mir

Agent: Imad Syed

Location: 129 Baxter Drive

In Attendance: Imad Syed

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

Mr. Syed replied the notice sign was posted and comments were received from staff. He noted that with the refusal of the stamped concrete for 129 Baxter Drive, he wished to withdraw his request for a landscaped strip variance. He noted the purpose of the application is two parts, with the first requesting being a driveway coverage which exceeds the By-law requirements by 5.8%. He explained the house projects out further than the garage which decreases the required area which could be considered front yard. He noted the stamped concrete on the left hand side of the driveway will not be used for parking and as such is not calculated as part of the coverage. He explained the second variance relates to the size of an existing accessory apartment. He noted they took out a permit in 2010 for basement finishes as the Interim Control By-law was in place. He noted the finishes are complete and the additional area being requested is to accommodate a second washroom in the unit.

Chair L. McNair questioned how many bedrooms were in the home.

Mr. Syed replied there are four bedrooms upstairs and three in the basement. He noted the accessory apartment has two bedrooms and the additional bedroom in the basement forms part of the main unit.

Committee member D. Kelly questioned staff if the concrete strip on the right hand side of the property was removed, if a coverage variance would be required.

Planner R. Kostyan replied the concrete strip covers an area of 5.8% and if it was removed the variance would not be required.

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

Moved by R. Funnell and seconded by A. Diamond,

“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 12 and Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 129 Baxter Drive,

- a) to permit the 7.2 metre wide driveway to occupy 45.8% of the front yard when the By-law requires that a driveway shall not occupy more than 40% of the front yard, and,
- b) to permit the accessory apartment in the basement to occupy 86.96 square metres of the floor area when the By-law requires that an accessory apartment shall not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 square metres in floor area, whichever is less,

be refused.

Reasons for refusal being:

- 1. The variances are not minor in nature.
- 2. The variance would have a negative impact on surrounding neighbours.
- 3. The variance would result in non-compliance with the subdivision drainage plan.”

Carried.

Application: **A-77/12**

Owner: **Genevieve and Geoff Newton**

Agent: **Geoff Newston**

Location: **65 Mary Street**

In Attendance: **Geoff Newton**

The Secretary-Treasurer summarized an email received from 69 Mary Street who was not in support of the application. She noted letters of support had been distributed to members with the comments.

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

Mr. Newton replied the notice sign was posted and comments were received from staff. He explained the Committee refused his variance request at the April meeting. He noted he met with Building Services staff for assistance on how to bring the building closer into compliance with the Zoning By-law. He submitted a picture for the attention of the Committee and noted

they will be eliminating the second storey and will be lowering the height of the building to rest on an 8" eye beam which will result in an additional height 2 feet greater than the By-law requirements.

Committee member J. Andrews noted human habitation will not be permitted in the accessory structure and he would recommend this be included as a condition of approval.

Mr. Newton replied he had no concern with this recommendation.

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

Moved by J. Andrews and seconded by D. Kelly,

"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, 4.5.1.4 and 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for 65 Mary Street, to permit a 78 square metre (840 square foot) detached garage in the rear yard,

- a) to be located 0.3 metres from the right rear side lot line when the By-law requires accessory structures be located a minimum of 0.6 metres from any lot line;
- b) to permit the detached garage to occupy an area of 78 square metres when the By-law requires an accessory structure have a maximum area of 70 square metres, and,
- c) to permit the detached garage to have a height of 4 metres when the By-law permits a maximum height of 3.6 metres measured at the mid-point between the eave and the ridge,

be approved, subject to the following condition:

1. That the accessory building not be used for human habitation."

Carried

Application: **A-67/12**

Owner: **Milanko Diviak**

Agent: **Milanko Diviak**

Location: **24 Curzon Crescent**

In Attendance: **Milanko and March Diviak**

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

Mr. Diviak replied the notice sign was posted and comments were received from staff.

Mr. Diviak explained that when he purchased the unit 2 years ago two parking spaces were adequate for his mother and father. He explained his brother came home and they required a third parking space so they widened their driveway an additional 4 feet.

There were no questions from the members of the Committee.

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

Moved by D. Kelly and seconded by R. Funnell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 5.3.2.8 of Zoning By-law (1995)-14864, as amended, for 24 Curzon Crescent, to permit a driveway width of 4.9 metres which is 1.2 metres beyond the permitted driveway width when the By-law requires that the front yard on any lot, excepting the driveway, shall be landscaped and no parking shall be permitted within this landscaped open space and that the driveway width shall not exceed the garage width of the unit, as measured from the outside walls of the garage, be refused.

Reasons for refusal being: -

1. The variance is not minor in nature.
2. The variance is not appropriate for development of the property as the driveway imposes on the required greenspace.
3. The general intent and purpose of the By-law would not be maintained.”

Carried

Application: **A-69/12**

Owner: **Tieng and Lucky Luangphinit**

Agent: Tieng Luangphinit

Location: 26 Curzon Crescent

In Attendance: Tieng Luangphinit

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

Ms. Luanphinit replied the notice sign was posted and comments were received from staff. She noted they extended their driveway an additional 4 feet to provide a walkway for father.

Chair L. McNair questioned if they park one vehicle in their garage and two vehicles in the driveway.

Ms. Luanphinit replied they park one vehicle in the garage and one in the driveway.

Committee member D. Kelly questioned if a walkway could be incorporated adjacent to a driveway.

Planner R. Kostyan replied a walkway is permitted if different material is used and as long as you don't park on it. She noted the owner could discuss the situation with zoning staff and they will assist them on how to bring the property into conformance with 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 J. Andrews and seconded by A. Diamond,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 5.3.2.8 of Zoning By-law (1995)-14864, as amended, for 26 Curzon Crescent, to permit a driveway width of 4.9 metres which is 1.2 metres beyond the permitted driveway width when the By-law requires that the front yard on any lot, excepting the driveway, shall be landscaped and no parking shall be permitted within this landscaped open space and that the driveway width shall not exceed the garage width of the unit, as measured from the outside walls of the garage, be refused.

Reasons for refusal being: -

1. The variance is not minor in nature.
2. The variance is not appropriate for development of the property as the driveway imposes on the required greenspace.
3. The general intent and purpose of the By-law would not be maintained.”

Carried.

Application: **A-70/12**

Owner: **Thelma Christie**

Agent: **Allison Christie**

Location: **47 Grange Street / 55 Hillcrest Drive**

In Attendance: **Allison Christie**
 Dale Bonnet
 Lora Coulman
 Paul Medeiros

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

Ms A. Christie replied that the signs were posted and the staff comments were received. She explained that the property in question has been in her family for 41 years. She commented that the family also owns the abutting property and their backyards are shared by her family. She explained that they are proposing to construct an addition to the front of the coach house. She further explained that a variance was previously approved in 2011 for an addition. She noted that due to the neighbours concerns regarding the addition, they have revised the floor plan. She continued by explaining that they re-designed the foundation to be a step format in order to make sure they are not trespassing on the neighbour's property while constructing the addition. She noted that due to the change, they lost about 100 square feet of the basement, which made them compensate for the lost space by moving the addition closer towards the front property line.

There were no questions from the Committee.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by R. Funnell and seconded by A. Diamond,

“THAT in the matter of an application under Section 45(2)(a)(i) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to extend the legal non-conforming use for 47 Grange Street/55 Hillcrest Drive, to construct a 9.44 metre by 6.40 metre two storey addition to the two storey brick coach house (55 Hillcrest Drive), which will be located 0.6 metres from the right side lot line and 5.12 metres from the Hillcrest Drive property line, be approved subject to the following condition:

1. That prior to issuance of a building permit, the owner make satisfactory arrangements with the Technical Services Department of the Guelph Hydro Electric Systems Inc. for the new service to 55 Hillcrest Drive via an overhead service from Hillcrest Drive. The service coming from 47 Grange Street to 55 Hillcrest Drive is to be removed. This is all to be at the owner’s expense.”

Carried

Application: B-24/12, B-25/12, B-26/12, A-73/12, A-74/12, A-75/12

Owner: Jeff Buisman, Janine Buisman-Wilcox, Sharon Buisman, Luke Wilcox
Clark McDaniel, Denzel William estate

Agent: VanHarten Surveying, Jeff Buisman

Location: 15 and 19 Preston Street

In Attendance: Jeff Buisman
Taylor McDaniel
Janine Buisman-Wilcox
Luke Wilcox
Christopher Zimmerman
Stephen Fava
Steve Henry

The Secretary-Treasurer advised the Committee that Engineering Services requested a correction for condition number three by deleting the following phrase:

“...and for the sidewalk extension to the existing sidewalk in front of 13 Preston Street of 59.055-feet (18.00 metres)...”

The applicant has reviewed this and had no objection.

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

Mr. J. Buisman replied yes, the sign was posted and the staff comments were received. He explained that the property has been in front of the Committee of Adjustment before and in 2006 a severance was approved. He noted that the property has been vacant for a long time and at one point the Salvation Army had a warehouse there. He explained that the application is for adding 3.77 metres from 15 Preston Street in order to allow for wider frontages for the severed parcels. He also explained that minor variances are required for the side yards and frontages for the severed parcels.

Mr. J. Buisman suggested amendments to some of the Engineering Services conditions.

The Committee considered the requests and provided direction to staff.

Mr. J. Buisman suggested an alternative solution for the requirement to obtain a record of site condition.

Planner R. Kostyan replied that the requirement is that a record of site condition is filed as per the requirements of the Environmental Protection Act. She explained that she would need to discuss any amendment to this condition with the Environmental Planner.

Committee member D. Kelly questioned if the application should be deferred to address these issues.

Mr. J. Buisman replied that a deferral is not necessary and he agrees with keeping the condition as is.

Mr. S. Henry who is a resident at 18 Preston Street questioned whether his swimming pool will be affected due to a retaining wall being removed.

Mr. J. Buisman replied that there is an easement at the back, which will not be encroached on, and that the wall of the new house will be at least 5 feet from Mr. Henry's back property line.

Mr. S. Fava, owner of 17 Glasgow Street South expressed concerns regarding the existing box culvert.

Mr. J. Buisman replied that they are aware of the culvert and as part of the severance, there are conditions regarding this culvert that will address any concerns.

Mr. C. Zimmerman expressed concerns that the culvert goes all the way back and beyond the train tracks. He noted that the properties in that area have had problems with, amongst other things, foundations and the concern is with the unearthing of the culvert but not upgrading it beyond the train tracks. He also expressed concern regarding the proposed density.

There were no further questions from the Committee.

Application B-24/12

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

Moved by J. Andrews and seconded by A. Diamond,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 16, Registered Plan 314, (Proposed Severance #1 on a severance sketch prepared by Van Harten Surveying Inc., project No. 19913-11, dated Mat 7, 2012), being part of the lands municipally known as 15 Preston Street, a parcel with a width of 3.77 metres (12.36 feet) and depth of 39.11 metres (128.31 feet) as a lot addition to 17 Preston Street, be approved, subject to the following conditions:

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

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

3. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage across the entire frontage of Proposed Severance #1 for 12.36-feet (3.77 metres) prior to endorstation of the deeds.
4. That the owner shall be responsible for the estimated costs associated with the construction of a concrete sidewalk across the entire frontage of the said lands and the extension of the sidewalk to the existing sidewalk in front of 13 Preston Street, as determined by the General Manager/City Engineer, prior to endorstation of the deeds. Upon completion of accounting, the owner agrees to pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice by the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
5. That the owner shall locate the position of the sanitary sewer lateral that served the warehouse and be responsible for the entire cost of removing the existing sanitary

- sewer lateral from the point where the existing sanitary sewer lateral connected to the warehouse and the neighbouring property line of 15 Preston Street, satisfactory to the Plumbing Inspector, prior to endorsation of the deeds.
6. That the owner pays the actual cost of constructing a storm service lateral and catch basin to 15 Preston Street including the cost of any curb cuts or fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to endorsation of the deeds.
 7. That the owner shall remove the frame shed, concrete pad, portion of the gravel driveway located on the lands to be severed, prior to endorsation of the deeds.
 8. That the owner constructs a driveway and legal off-street parking space for 15 Preston Street satisfactory to the General Manager/City Engineer, prior to endorsation of the deeds.
 9. That the owner shall pay for the actual cost of the construction of the new driveway entrances and the required curb cuts and curb fills for 15 Preston Street as determined by the General Manager/City Engineer, with the estimated cost of the works being paid, prior to the endorsation of the deeds.
 10. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
 11. The owner shall demonstrate to the City that the lands have been decommissioned in accordance with the current MOEE "Guidelines for Use at Contaminated Sites in Ontario" and the owner has filed a record of site condition, prior to the endorsation of the deeds.
 12. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to June 15, 2013.
 13. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
 14. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.

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

Carried

Application B-25/12

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

Moved by J. Andrews and seconded by A. Diamond,

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lots 16 and 17, Registered Plan 314, (Proposed Severance #3 on a severance sketch prepared by Van Harten Surveying Inc., project No. 19913-11, dated May 7, 2012) to be known as 21 Preston Street, a parcel with a frontage of 12.75 metres (41.83 feet) and a depth of 38.39 metres (125.95 feet) and 39.11 metres (128.31 feet), be approved subject to the following conditions:

1. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage across the entire frontage of 17, 21 and 25 Preston Street for 114.27 feet (34.83 metres), prior to endorsonation of the deeds.
2. That prior to the issuance of any building permits on the said lands and/or prior to the construction of the manholes, the box culvert will have to be unearthed and inspected to determine whether the box culvert is acceptable to remain in place, to the satisfaction of the General Manager/City Engineer. If the box culvert is determined not to be acceptable, the property owners will be responsible to replace the box culvert in it's entirely on 21 Preston Street and the proposed retained lands (17 Preston Street), to the satisfaction of the General Manager/City Engineer.
3. That prior to the issuance of any building permits on the said lands, the owner shall enter into an agreement, registered on title, with any future purchasers of 17 and 21 Preston Street, that any repair and maintenance of the box culvert/creek if required will be the responsibility of the future owners of the said lands.
4. That prior to the issuance of any building permits on the said lands, the owner will be responsible to provide a manhole on the box culvert/creek in the front yard and

the rear yard of 17 Preston Street, for maintenance and inspection of the box culvert.

5. That the owner shall be responsible for the estimated costs associated with the construction of a concrete sidewalk across the entire frontage of the said lands and the extension of the sidewalk to the existing sidewalk in front of 13 Preston Street, as determined by the General Manager/City Engineer, prior to endorstation of the deeds. Upon completion of accounting, the owner agrees to pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice by the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
6. That the owner applies for sanitary and water service laterals and pays the rate in effect at the time of application for the cost of the construction of sanitary and water service laterals including any curb cuts and curb fills, prior to the issuance of any building permits.
7. That the owner shall locate the position of the sanitary sewer lateral that served the warehouse and be responsible for the entire cost of removing the existing sanitary sewer lateral from the point where the existing sanitary sewer lateral connected to the warehouse and the neighbouring property line of 15 Preston Street, satisfactory to the Plumbing Inspector, prior to endorstation of the deeds.
8. That the owner shall pay for the actual cost of the construction of the new driveway entrances and the required curb cuts and curb fills on the proposed severed lands (21 Preston Street) and the proposed retained lands (17 Preston Street), as determined by the General Manager/City Engineer, with the estimated cost of the works being paid, prior to the issuance of a building permit.
9. The owner shall pay for the actual costs associated with the removal of the existing gravel pavement and gabion retaining wall in the boulevard, the reconstruction of the boulevard and replacing the gravel pavement and gabion retaining wall with topsoil and sod, with the estimated cost of the works being paid, prior to endorstation of the deeds.
10. That the owner remove gabion retaining wall, wood fence and the existing storm sewer including the catchbasin from the lands to be retained (17 Preston Street) to the satisfaction of the General Manager of Planning and the General Manager/City Engineer, prior to issuance of any building permit.
11. That prior to the issuance of a building permit on the proposed severed lands (21 Preston Street) and the proposed retained lands (17 Preston Street), the owner shall

pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.

12. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsonation of the deeds.
13. That the owner constructs the buildings at such an elevation that the lowest level of the buildings can be serviced with a gravity connection to the sanitary sewer.
14. The owner shall create a legal off-street parking space on the proposed severed lands (21 Preston Street) and on the proposed retained lands (17 Preston Street) at a minimum setback of 6-metres from the property line at the street.
15. That the owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of 17 and 21 Preston Street, prior to the issuance of any building permits.
16. That prior to building or endorsonation of the deed, the owner / applicant makes arrangement for the hydro servicing of the three newly created lots via underground services, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
17. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
18. That the elevation and design drawings for the new dwelling on 17 and 21 Preston Street, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
19. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwellings on 17 and 21 Preston Street indicating:
 - a. The location and design of the new dwelling;
 - b. All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.

- c. The location of the new dwelling with a setback that is in character with the surrounding area;
 - d. Grading, drainage and servicing information.
20. That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services.
21. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
22. That the applicant shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsation of the deeds, at the rate in effect at the time of the endorsation.
23. That a Noise and Vibration attenuation study, in keeping with the requirements of Section 8.2.31 of the Official Plan, be submitted to the satisfaction of the Director of Planning and Development Services, prior to the endorsation of the deeds. Further, the owner shall incorporate all recommended noise and vibration attenuation measures into the design of the new dwellings or lots to the satisfaction of the Director of Planning and Development Services.
24. That a noise and vibration study will be completed as well as implementation of its recommendations to satisfy the requirements of Canadian National Railway.
25. That the owner shall enter into an agreement with CN to ensure whatever mitigation measures implemented are maintained, including a 1.8 metre chain link fence along the property line for trespass. If the noise report recommends a noise barrier and it is constructed on the property line, the chain link fence would be redundant.
26. The owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
27. The owner shall demonstrate to the City that the lands have been decommissioned in accordance with the current MOEE "Guidelines for Use at Contaminated Sites in

Ontario” and the owner has filed a record of site condition, prior to the endorsation of the deeds.

28. That prior to endorsation of the deeds, the owner enters into an Engineering Services Agreement for the said lands with the City, satisfactory to the General Manager/City Engineer and the City Solicitor, which includes all requirements, financial and otherwise, to the satisfaction of the City of Guelph.
29. That prior to endorsation of the deeds, the owner shall enter into an agreement for the said lands with the City, registered on title, satisfactory to the General Manager/City Engineer agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
30. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to June 15, 2013.
31. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
32. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
33. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.

Reasons for approval:

1. The proposed lot frontages are in keeping with the surrounding neighbourhood.
2. The proposal will maintain the existing streetscape character.
3. The proposal would not have a negative impact on the neighbourhood.”

Carried

Application B-26/12

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

Moved by J. Andrews and seconded by A. Diamond,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lots 16 and 17, Registered Plan 314, (Proposed Severance #2 on a severance sketch prepared by Van Harten Surveying Inc., project No. 19913-11, dated Mat 7, 2012) to be known as 25 Preston Street, a parcel with a lot frontage of 13.1 metres (42.97 feet) and depth of 39.11 metres (128.31 feet) and 40.08 metres (131.49 feet), be approved subject to the following conditions:

1. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage across the entire frontage of 17, 21 and 25 Preston Street for 114.27 feet (34.83 metres), prior to endorsonation of the deeds.
2. That prior to the issuance of any building permits on the said lands and/or prior to the construction of the manholes, the box culvert will have to be unearthed and inspected to determine whether the box culvert is acceptable to remain in place, to the satisfaction of the General Manager/City Engineer. If the box culvert is determined not to be acceptable, the property owners will be responsible to replace the box culvert in it's entirely on 21 Preston Street and the proposed retained lands (17 Preston Street), to the satisfaction of the General Manager/City Engineer.
3. That the owner shall be responsible for the estimated costs associated with the construction of a concrete sidewalk across the entire frontage of the said lands and the extension of the sidewalk to the existing sidewalk in front of 13 Preston Street, as determined by the General Manager/City Engineer, prior to endorsonation of the deeds. Upon completion of accounting, the owner agrees to pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice by the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
4. That the owner applies for sanitary and water service laterals and pays the rate in effect at the time of application for the cost of the construction of sanitary and water service laterals including any curb cuts and curb fills, prior to the issuance of any building permits.

5. That the owner shall locate the position of the sanitary sewer lateral that served the warehouse and be responsible for the entire cost of removing the existing sanitary sewer lateral from the point where the existing sanitary sewer lateral connected to the warehouse and the neighbouring property line of 15 Preston Street, satisfactory to the Plumbing Inspector, prior to endorsation of the deeds.
6. That the owner shall pay for the actual cost of the construction of the new driveway entrances and the required curb cuts and curb fills on the proposed severed lands (25 Preston Street) and the proposed retained lands (17 Preston Street), as determined by the General Manager/City Engineer, with the estimated cost of the works being paid, prior to the issuance of a building permit.
7. The owner shall pay for the actual costs associated with the removal of the existing gravel pavement and gabion retaining wall in the boulevard, the reconstruction of the boulevard and replacing the gravel pavement and gabion retaining wall with topsoil and sod, with the estimated cost of the works being paid, prior to endorsation of the deeds.
8. That the owner remove gabion retaining wall, wood fence and the existing storm sewer including the catchbasin from the lands to be retained (17 Preston Street) to the satisfaction of the General Manager of Planning and the General Manager/City Engineer, prior to issuance of any building permit.
9. That prior to the issuance of a building permit on the proposed severed lands (25 Preston Street) and the proposed retained lands (17 Preston Street), the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
10. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsation of the deeds.
11. That the owner constructs the buildings at such an elevation that the lowest level of the buildings can be serviced with a gravity connection to the sanitary sewer.
12. The owner shall create a legal off-street parking space on the proposed severed lands (25 Preston Street) and on the proposed retained lands (17 Preston Street) at a minimum setback of 6-metres from the property line at the street.
13. That the owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of 17 and 25 Preston Street, prior to the issuance of any building permits.

14. That prior to building or endorsation of the deed, the owner / applicant makes arrangement for the hydro servicing of the three newly created lots via underground services, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
15. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
16. That the elevation and design drawings for the new dwelling on 17 and 25 Preston Street, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
17. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwellings on 17 and 25 Preston Street indicating:
 - a. The location and design of the new dwelling;
 - b. All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
 - c. The location of the new dwelling with a setback that is in character with the surrounding area;
 - d. Grading, drainage and servicing information.
18. That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services.
19. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.

20. That the applicant shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsation of the deeds, at the rate in effect at the time of the endorsation.
21. That a Noise and Vibration attenuation study, in keeping with the requirements of Section 8.2.31 of the Official Plan, be submitted to the satisfaction of the Director of Planning and Development Services, prior to the endorsation of the deeds. Further, the owner shall incorporate all recommended noise and vibration attenuation measures into the design of the new dwellings or lots to the satisfaction of the Director of Planning and Development Services.
22. That a noise and vibration study will be completed as well as implementation of its recommendations to satisfy the requirements of Canadian National Railway.
23. That the owner shall enter into an agreement with CN to ensure whatever mitigation measures implemented are maintained, including a 1.8 metre chain link fence along the property line for trespass. If the noise report recommends a noise barrier and it is constructed on the property line, the chain link fence would be redundant.
24. The owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
25. The owner shall demonstrate to the City that the lands have been decommissioned in accordance with the current MOEE "Guidelines for Use at Contaminated Sites in Ontario" and the owner has filed a record of site condition, prior to the endorsation of the deeds.
26. That prior to endorsation of the deeds, the owner enters into an Engineering Services Agreement for the said lands with the City, satisfactory to the General Manager/City Engineer and the City Solicitor, which includes all requirements, financial and otherwise, to the satisfaction of the City of Guelph.
27. That prior to endorsation of the deeds, the owner shall enter into an agreement for the said lands with the City, registered on title, satisfactory to the General Manager/City Engineer agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
28. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to June 15, 2013.

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

Reasons for approval:

4. The proposed lot frontages are in keeping with the surrounding neighbourhood.
5. The proposal will maintain the existing streetscape character.
6. The proposal would not have a negative impact on the neighbourhood."

Carried.

Application A-73/12

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

Moved by J. Andrews and seconded by A. Diamond,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 4 and Row 7 and Section 5.1.2.6 of Zoning By-law (1995)-14864, as amended, for 17 Preston Street,

- a) to permit a lot frontage of 12.75 metres (41.83 feet) when the By-law requires that the minimum lot frontage be the average of the lot frontage established by the existing lots within the same City Block Face which is 15 metres (49.21 feet), and

- b) to permit a side yard of 1.2 metres (3.93 feet) when the By-law requires a minimum setback of 1.5 metres (4.92 feet) from side lot lines,

be approved subject to the following condition:

- 1. That the conditions imposed for Applications B-24/12, B-25/12 and B-26/12 be and form part of this approval.

Reasons for approval:

- 1. The minor variances meet the four tests of the Planning Act.
- 2. The proposed lot frontages are in keeping with the surrounding neighbourhood.
- 3. The proposal will maintain the existing streetscape character, and,
- 4. The proposal would not have a negative impact on the neighbourhood."

Carried.

Application A-74/12

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

Moved by J. Andrews and seconded by A. Diamond,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 4 and Row 7 and Section 5.1.2.6 of Zoning By-law (1995)-14864, as amended, for 21 Preston Street,

- c) to permit a lot frontage of 12.75 metres (41.83 feet) when the By-law requires that the minimum lot frontage be the average of the lot frontage established by the existing lots within the same City Block Face which is 15 metres (49.21 feet), and
- d) to permit a side yard of 1.2 metres (3.93 feet) when the By-law requires a minimum setback of 1.5 metres (4.92 feet) from side lot lines,

be approved subject to the following condition:

- 1. That the conditions imposed for applications B-24/12, B-25/12 and B-26/12 be and form part of this approval.

Reasons for approval:

1. The minor variances meet the four tests of the Planning Act,
2. The proposed lot frontages are in keeping with the surrounding neighbourhood,
3. The proposal will maintain the existing streetscape character, and
4. The proposal would not have a negative impact on the neighbourhood."

Carried.

Application A-75/12

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

Moved by J. Andrews and seconded by A. Diamond,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 4 and Row 7 and Section 5.1.2.6 of Zoning By-law (1995)-14864, as amended, for 25 Preston Street,

- e) to permit a lot frontage of 13.1 metres (42.97 feet) when the By-law requires that the minimum lot frontage be the average of the lot frontage established by the existing lots within the same City Block Face which is 15 metres (49.21 feet), and
- f) to permit a side yard of 1.2 metres (3.93 feet) when the By-law requires a minimum setback of 1.5 metres (4.92 feet) from side lot lines,

be approved subject to the following condition:

1. That the conditions imposed for applications B-24/12, B-25/12 and B-26/12 be and form part of this approval.

Reasons for approval:

1. The minor variances meet the four tests of the Planning Act,
2. The proposed lot frontages are in keeping with the surrounding neighbourhood,
3. The proposal will maintain the existing streetscape character, and
4. The proposal would not have a negative impact on the neighbourhood."

Carried.

The Secretary-Treasurer reminded the Committee that a written request for a reduction in the application fees was received from the agent.

Committee member Donna questioned staff whether a full refund for the minor variances would cover the cost of processing the applications.

The Secretary-Treasurer replied that the application fees submitted for the consents will barely cover the works involved and recommended staff would not have a concern with a refund of the minor variance application fees only.

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

“THAT the Secretary-Treasurer refund 50% (\$675) of the minor variance application fees for applications A-73/12, A-74/12 and A-75/12 at Preston Street.”

Carried.

The meeting adjourned at 7:55 p.m.

L. McNair
Chair

Minna Bunnett, ACST(A)
Assistant Secretary-Treasurer

Kim E. Fairfull, ACST
Secretary-Treasurer

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday June 26, 2012 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell
J. Hillen
B. Birdsell
J. Andrews
A. Diamond
L. McNair – Chair
D. Kelly, Vice-Chair

Staff Present: R. Kostyan, Planner
M. Witmer, Planner
K. Fairfull, Secretary-Treasurer
M. Bunnett, Assistant Secretary-Treasurer

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Meeting Minutes

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

“THAT the Minutes from the June 12, 2012 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

Other Business

The assistant secretary-treasurer advised that the owner of 302 Metcalfe Street, application A-59/12, has submitted a letter requesting consideration for a refund of the deferral fees.

Application: **A-81/12**

Owner: **Reid's Heritage Homes**

Agent: **n/a**

Location: **3 Samuel Drive**

In Attendance: **Alfred Artinger**

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

Mr. A. Artinger replied that the sign was posted and the staff comments were received. He explained that the garage is being converted into office space and once sales are finished, the office space will be turned back into a garage. He commented that they have reviewed the recommended conditions and agree with them.

There were no questions from the Committee.

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

Moved by A. Diamond and seconded by J. Hillen,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 5.1.1 and 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 3 Samuel Drive, to permit a model home / sales office with the sales office occupying the required off-street parking space when the By-law requires that residential units only be permitted on the subject property and to permit the off-street parking space be located 0 metres from the street line and ahead of the main front wall of the building when the By-law requires that the off-street parking space be located a minimum of 6 metres (19.68 feet) from the street property line and to the rear of the main front wall of the building, be approved subject to the following condition:

1. That the owner enters into a Site Plan Agreement registered on the title of the properties prior to the issuance of a building permit, requiring that the real estate sales office be removed within the garage and the garage restored to accommodate a 3 metre by 6 metre parking space for the

dwelling, prior to the transfer of title to a subsequent owner or within 3 years of the issuance of the building permit.”

Carried

Application: **A-68/12**

Owner: **Friederike ZuSieker**

Agent: **Mark H. Janzen Real Estate Brokerage, Mark H. Janzen**

Location: **49 Gordon Street (15 Surrey Street West)**

In Attendance: **Mark Janzen**

The Assistant Secretary-Treasurer advised that Engineering Services has requested that condition number two of the staff recommendations be removed.

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

Mr. M. Janzen replied that the signs were posted and he did receive the staff comments. He explained that currently the plaza has a vacant unit and a veterinary clinic is interested in opening a business there. He further explained that the zoning does permit a veterinary clinic but only with residential units above. He commented that he should have a site plan finalized shortly which was requested by Engineering Services.

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

Moved by J. Andrews and seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 6.6.3.1.1 of Zoning By-law (1995)-14864, as amended, for 49 Gordon Street, Unit 4, to permit a 234.6 square metre (2,526 square foot) veterinary service when the By-law only allows a veterinary service if located at the ground level of a multiple-unit residential building, be approved subject to the following conditions:

1. The owner submits an as-built site plan and receives approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of existing buildings, landscaping, parking, circulation, access, lighting, grading and drainage, servicing, to the satisfaction of the General Manager of Planning and Building, prior to the issuance of a building permit for a veterinary service establishment in Unit 4 or prior to occupying any space in the plaza.
2. That the owner shall develop the property in accordance with the approved as-built plan, within one hundred and twenty (120) days of site plan approval."

Carried

Application: A-59/12

Owner: Hugo and Jacqueline Jimenez

Agent: n/a

Location: 302 Metcalfe Street

In Attendance: Hugo Jimenez

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

Mr. H. Jimenez replied that the sign was posted and the staff comments were received. He explained that he is planning to build an addition to the side of the house which consists of a garage and bedrooms upstairs. He noted that there was a miscommunication regarding the side yard variance and he is amending the request of 2.5 feet setback to 3 feet instead. He continued by noting that Planning Services does not seem to have a concern with the 3 foot request.

Planner R. Kostyan replied that Planning Services still has a minor concern with the 3 foot setback request but by amending the variance request, Planning Services is able support it.

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

Moved by R. Funnell and seconded by A. Diamond,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 5.1.2.7 i) and Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 302 Metcalfe Street, to permit a 6.4 metre by 9.45 metre (21 foot by 31 foot) two storey addition:

- a) be setback 7.84 metres (25.75 feet) from Metcalfe Street property line when the By-law requires any addition have a setback equal to the average of the setbacks within the same block face [8.3 metres (27.23 feet) from Metcalfe Street], and,
- b) be located 0.91 metres (3 feet) from the left side lot line when the By-law requires any addition be setback a minimum of 1.5 metres (4.92 feet) from the side property line,

be approved subject to the following conditions:

- 1. That the owner pays the actual cost of the construction of the new driveway entrance and the required curb cut, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
- 2. That the owner pays the actual cost associated with the removal of the existing driveway entrance, the restoration of the boulevard with topsoil and sod and the required curb fill, as determined necessary by the General Manager/City Engineer being paid, within sixty (60) days of the issuance of any building permits.

Reason for approval being:

- 1. The minor variance meets the four tests of the Planning Act.”

Carried.

The Assistant Secretary-Treasurer reminded the Committee that a written request for a reduction in the deferral fee was received from the applicant.

Committee member Donna questioned staff whether a refund of the deferral fees would cover the cost of processing the applications.

The Secretary-Treasurer replied that a full review was required for the application and the deferral fee submitted for the application will barely cover the works involved.

Moved by R. Funnell and seconded by D. Kelly,

“THAT no action be taken on the request for refund from Hugo Jimenez for application A-59/12 at 302 Metcalfe Street.”

Carried

Application: **A-78/12**

Owner: **John and Michelle Kelly**

Agent: **n/a**

Location: **22 Curzon Crescent**

In Attendance: **John and Michelle Kelly**
 Colleen Kelly

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

Mr. J. Kelly replied that the sign was posted and the staff comments were received. He explained that they purchased the house three years ago and at that time there were patio stones on one side of the driveway. He further explained that they decided to replace the patio stones with asphalt. He commented that it is difficult to find room to park on the street and they can barely fit one vehicle inside their garage. He further commented that with the new garbage bin system the City is introducing, they have to be able to fit the new large garbage bins inside their garage as well. He commented that if the widened portion of the driveway was a walkway consisting of patio stones, he would be able to keep it. He noted that it seems there are several properties on Curzon Crescent with the same problem and he questioned whether the City is enforcing the by-laws for all the properties.

Planner R. Kostyan replied that there has been complaints regarding driveway widths on Curzon Crescent and the By-law Officer has been enforcing these infractions. She further clarified that if a patio stone walkway has been constructed, it is not allowed to be used for parking.

Mr. J. Kelly questioned whether the same rules pertain also to single detached dwellings and duplex dwellings.

Planner R. Kostyan replied that there are different regulations depending on the zone and the site. She explained that, as an example, some single detached dwelling zones might allow for a driveway width of 56% of the front yard but a semi-detached dwelling would only allow for 40%.

Chair L. McNair questioned whether the owner is parking two vehicles side by side in the driveway.

Mr. J. Kelly replied that they do park two vehicles side by side during summer due to visitors but not during the winter.

Planner R. Kostyan commented that the Zoning Inspector can help the owner with Zoning By-law regulations and possibly give him some options.

Chair L. McNair questioned whether the owner can get to the rear yard without going through the house.

Mr. J. Kelly replied that he does have access to the back yard without going through the house.

Ms. C. Kelly, the mother of the owner, explained that the area has problems with parking on the street and often there are no parking spaces available. She commented that, in her opinion, there should be some leniency towards people who are trying to organize parking on their property instead of parking on the street. She noted that it is almost impossible to unload a vehicle without scratching the neighbour's vehicle. She expressed concern with more vehicles being parked on the street if the property owners are not allowed to widen their driveways to be able park on their driveways.

Committee member D. Kelly commented that the intent of the Zoning By-law is to make sure the front yards do not turn into parking lots which would leave no room for landscaping.

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

Moved by R. Funnell and seconded by D. Kelly,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 5.3.2.8 of Zoning By-law (1995)-14864, as amended, for 22 Curzon Crescent, to permit a driveway width of 4.9 metres (16 feet) which is 1.2 metres (3.93 feet) beyond the permitted driveway width when the By-law requires that the front yard on any lot, excepting the driveway, shall be landscaped and no parking shall be permitted within this landscaped open space and that the driveway width shall not exceed the garage width of the unit, as measured from the outside walls of the garage, be refused.

Reasons for refusal being:

1. The variance request does not meet the four tests of the Planning Act for a minor variance.
2. The general intent and purpose of the By-law will not be maintained.”

Chair L. McNair commented that, in his opinion, the neighbours could get together as a group to discuss rezoning which is considered by Council.

Carried

Application: A-80/12

Owner: Weidong, Wo Jun and Ye Qing Zhao

Agent: n/a

Location: 28 Curzon Crescent

In Attendance: Weidong Zhao

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

Mr. Zhao replied the notice sign was posted and comments were received from staff. He noted the nature of the application is the same as the previous one considered by the Committee. He questioned if there was alternatives which could be implemented, such as potted plants that would delineate the driveway and the walkway to decrease the driveway width.

Planner R. Kostyan suggested the owner contact the Zoning Inspector to determine how to bring the property into compliance with 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 D. Kelly and seconded by A. Diamond,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 5.3.2.8 of Zoning By-law (1995)-14864, as amended, for 28 Curzon Crescent, to permit a driveway width of 4.9 metres which is 1.2 metres beyond the permitted driveway width when the By-law requires that the front yard on any lot, excepting the driveway, shall be landscaped

and no parking shall be permitted within this landscaped open space and that the driveway width shall not exceed the garage width of the unit, as measured from the outside walls of the garage, be refused.

Reasons for refusal being: -

1. The variance does not meet the four tests for minor variance.
2. The general intent and purpose of the By-law will not be maintained.”

Carried

Application: A-79/12

Owner: Carol McCluskey

Agent: n/a

Location: 103 Lynch Circle

In Attendance: Carol McCluskey

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

Ms. McCluskey replied the notice sign was posted and comments were received from staff. She noted the accessory apartment has existed for five years and a complaint was lodged against the property requiring an inspection by Zoning Services staff. She explained when she moved in the basement had a rough –in bathroom and the area was framed for a kitchen and she completed the work and has been renting the unit. She noted she originally purchased the dwelling with her son and his girlfriend to share expenses, however their relationship ended and he moved out. She submitted letters in support of the application from her neighbours. She noted they only require a single driveway as two cars maximum are located at any one time and noted there is sufficient driveway depth to accommodate three stacked parking spaces. She noted the extra width was added to assist in the jockeying of cars. She explained the terms of rental of the unit and advised there has never been any complaints about the tenants.

Committee member J. Hillen questioned if the alternative to the additional driveway width could be to provide two off-street parking spaces in lieu of three.

Committee member D. Kelly noted the property is not large enough to accommodate an accessory apartment as driveway not large enough to accommodate three parking spaces

without relying on the road allowance. She noted the property was originally designed to accommodate two parking spaces only.

Planner R. Kostyan explained if the property is not suited for a wider driveway. She noted the original builder received a variance for building coverage of 47% for the dwelling but this does not give the owner the option of expanding their driveway 47%.

Committee member D. Kelly explained that granting a variance goes with the property.

Ms. McCloskey explained she is allowed an accessory apartment in the R.2 zone and because she cannot meet the zoning standards for driveway width and area she cannot have the unit. She questioned why the three spaces cannot be stacked in the driveway.

Planner M. Witmer explained there is clearly one legal space in the garage and one spot in the driveway without relying on the City's road allowance.

Chair L. McNair questioned how wide the driveway was.

Ms. McCluskey replied the driveway is 16.5 feet wide.

Chair L. McNair expressed his concerns how an R.1D lot can have a driveway covering 55% of the front yard and the R.2 zone only allows 40% of the front yard.

Ms. McCluskey explained the neighbourhood has cars all over the street and supplying the off-street parking in her driveway is not aggravating the situation.

Planner R. Kostyan noted the builder has chosen to ask for a variance to have the coverage of the house 47% in lieu of 40% and driveway is occupying more green space on this property than the by-law requirements which is a further reduction in green space.

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. Kelly and seconded by R. Funnell,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.15.1.5 and Table 5.2.2 Row 15 of Zoning By-law (1995)-14864, as amended, for 103 Lynch Circle, to:

- a) permit a 87.1 square metre (937 square foot) two bedroom accessory apartment in the basement when the By-law requires that the accessory apartment shall

not exceed 45% of the total floor area of the building and shall not exceed 80 square metres (861.1 square feet) in floor area, and,

- b) permit a driveway width of 5 metres (16.4 feet) when the By-law requires that a driveway shall not constitute more than 40% of the front yard [3.72 metres (12.20 feet)] which constitutes 53.76% of the front yard,

be refused.

Reasons for refusal being: -

1. The variances do not meet the intent of the Zoning By-law.
2. The variances do not meet the four tests for minor variance."

Carried

Application: **A-82/12**

Owner: **Monj Islam and Vicky Canham**

Agent: **n/a**

Location: **20 Durham Street**

In Attendance: **Monj Islam**

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

Mr. Islam replied the notice sign was posted and comments were received from staff. He explained they propose to construct an addition to the rear of the dwelling and upon further research it was discovered they required a variance for an existing shed. He noted they recently purchased the property and propose a two storey addition for open living/dining space and two bedrooms upstairs.

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

Moved by B. Birdsell and seconded by J. Andrews,

“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 and Section 4.5.1.2 of Zoning By-law (1994)-14864, as amended, for 20 Durham Street, to:

- a) permit a 75.8 square metre (815.9 square foot) two storey addition at the rear of the dwelling to be located 0.63 metres (2 feet) from the right side property line when the By-law requires a minimum setback of 1.5 metres (4.92 feet) from the side lot line, and,
- b) to permit a 2.4 metre by 3.04 metre (8 foot by 10 foot) shed in the rear yard to be located 0.3 metres (1 foot) from the right side yard property line when the By-law requires a minimum setback of 0.6 metres (1.97 feet) from any lot line,

be approved, subject to the following condition:

- 1. 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 existing roof enclosed porch, concrete floor, concrete columns complete with wood pillars that encroach on the Durham Street road allowance.”

Carried

The meeting adjourned at 5:15 p.m.

L. McNair
Chair

Kim Fairfull, ACST
Secretary-Treasurer

Minna Bunnett, ACST(A)
Assistant Secretary-Treasurer

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday July 10, 2012 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell
J. Hillen
B. Birdsell
J. Andrews
L. McNair – Chair
D. Kelly, Vice-Chair

Regrets: A. Diamond

Staff Present: R. Kostyan, Planner
M. Witmer, Planner
K. Fairfull, Secretary-Treasurer
M. Bunnett, Assistant Secretary-Treasurer

Declarations of Pecuniary Interest

Committee member J. Hillen declared a pecuniary interest for Application A-86/12 for 1467 Gordon Street as the applicant is a client.

Committee member B. Birdsell declared a pecuniary interest for Application B-28/12 at 7 Edinburgh Road, South.

Meeting Minutes

Moved by R. Funnell seconded by D. Kelly,

“THAT the Minutes from the June 26, 2012 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

Other Business

There were no items to report.

Application: B-29/12

Owner: 1320160 Ontario Inc.

Agent: Andrew Anderson

Location: 265 Hanlon Creek Boulevard

In Attendance: Andrew Anderson

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

Mr. Anderson replied the notice sign was posted and comments were received from staff. He explained application is for an easement across the frontage of the property to allow for sanitary sewer connection for the neighbouring property.

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

Moved by B. Birdsell and seconded by D. Kelly,

“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 an easement over Part Block 10, Registered Plan 61M-169, municipally known as 265 Hanlon Creek Boulevard, an easement with a width of 70 metres (229.65 feet) and a depth of 6 metres (19.68 feet) as described on Consent Sketch dated June 15, 2012 and prepared by Van Harten Surveying Inc., to protect a sanitary sewer lateral serving 245 Hanlon Creek Boulevard, be approved, subject to the following conditions:

1. The owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the said lands to the satisfaction of the Director of Planning and Building Services and the General Manager/City Engineer, prior to the issuance of a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.
2. That prior to endorsation of the deeds, the servient tenement (265 Hanlon Creek Boulevard, Parts 2 and 3 of Reference Plan 61R-11661, Part of Block 10, Registered Plan 61M-169), grants an easement approximately 70.0-metres (229.66 feet) and a depth of approximately 6.0-metres (19.69 feet), registered on title, in favour of the

dominant tenement (245 Hanlon Creek Boulevard, Parts 4, 5 and 6 of Reference Plan 61R-11661, Part of Block 10 and Part of Block 11, Registered Plan 61M-169) for a sanitary sewer service.

3. That prior to endorsation of the deeds, the owner's solicitor certifies that the easement in favour of the dominant tenement (245 Hanlon Creek Boulevard, Parts 4, 5 and 6 of Reference Plan 61R-11661, Part of Block 10 and Part of Block 11, Registered Plan 61M-169) has been granted and registered on title.
4. That prior to endorsation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the easement.
5. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to July 13, 2013.
6. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
7. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
8. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Committee member B. Birdsell, having declared a pecuniary interest for the next application, left the room.

Application: **B-28/12**

Owner: **Granite Holdings Ontario Limited / Canadian National Railway**

Agent: **Smith Valeriote Law Firm, John Valeriote**

Location: **7 Edinburgh Road South**

In Attendance: **John Valeriotte**

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

Mr. Valeriotte replied the notice signs were posted and comments were received from staff. He explained he represented the Canadian National Railway and his clients have purchased the property which historically contained the CNR sheds. He noted there is a 15 year agreement to allow the encroachment, however the new owner and CNR have agreed to register a perpetual agreement which requires consent.

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

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

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for an easement over Part Lot 12, Division ‘A’, municipally known as 7 Edinburgh Road South, an easement with an area of 358 square metres (3,853.47 square feet), shown as Part 1 on a Sketch Prepared for Consent Application by Black, Shoemaker, Robinson and Donaldson, dated May 17, 2012, to provide a permanent easement for the encroachment of portions of a roofed concrete loading dock, paved ramp and brick building, be approved, subject to the following conditions:

1. That prior to endorsation of the deeds, the servient tenement (Railway Lands, Proposed Part 2, Part 1 on Reference Plan 61R-8687 and Part of Lots 2 and 3, Division “A”), grants a permanent easement (Proposed Part 1) with a width of approximately 2.840-metres (9.84 feet) to approximately 2.990-metres (9.81 feet) by approximately 18.525-metres (60.78 feet), and a width of approximately 2.990-metres (9.81 feet) to approximately 3.113-metres (10.21 feet) by a depth of approximately 60.144-metres (197.32 feet), for the encroachment of portions of a roofed concrete loading dock, concrete block and brick building and a paved ramp, registered on title, in favour of the dominant tenement (7 Edinburgh Road, South, Proposed Part 3, Parts 2 and 3 on Reference Plan 61R-8687 and Part 1 on Reference Plan 61R-11658 and Part of Lots 2 and 3, Division “A” and Lots A & B of Registered Plan 224).
2. That prior to endorsation of the deeds, the owner shall have an Ontario Land

Surveyor prepare a reference plan identifying the permanent easement.

3. That prior to endorsonation of the deeds, the owner's solicitor certifies that the easement in favour of the dominant tenement (7 Edinburgh Road, South, Proposed Part 3, Parts 2 and 3 on Reference Plan 61R-8687 and Part 1 on Reference Plan 61R-11658 and Part of Lots 2 and 3, Division "A" and Lots A & B of Registered Plan 224) has been granted and registered on title, in perpetuity.
4. That the encroachment be no larger than 358 square metres, as set out in the encroachment agreement entered into between the applicant and the Canadian National Railway Company.
5. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to July 13, 2013.
6. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
7. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
8. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Committee member B. Birdsell was summoned back to the room.

Application: **A-84/12**

Owner: **Shargar Real Estate Inc.**

Agent: **Smith Valeriote Law Firm, John Valeriote**

Location: **581 Woolwich Street**

In Attendance: **John Valeriote**
 Ben Bryce
 Kevin Thompson
 Beth Finnis
 Jim McGregor
 Vickie Weiler

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

Mr. Valeriote replied the notice sign was posted and comments were received from staff. He distributed handout to the Committee members for review. He explained he represented Vickie Weiler who is a naturopathic doctor who would like to purchase the property and operate her practice with Stephen Opsinger who is an athletic therapist and reside in the residential unit. He noted the property has operated as an insurance office since 1975. He provided background on the requirements in the By-law respecting parking requirements for a medical office and argued the proposed uses are not as intensive as a medical doctor or dentist. He noted there will be herself, her partner and a receptionist as the only staff in the practice. He explained she will see a maximum of 10-15 patients/day as most appointments are ½ hour to 1 hour long. He addressed the matters to be had regard to in the Planning Act respecting adverse impact and desirability with the properties fronting on Woolwich Street comprised of residential and commercial businesses. He provided details of medical related business along Woolwich Street and identified the lack of parking provided for them. He advised they have reviewed the recommendations from Planning Services and agreed with the recommendations. With respect to the concerns from neighbours, he noted there has been an office located in the building for many years with no parking concerns and noted residents can petition the municipality to restrict on-street parking on the street.

Committee member B. Birdsell questioned if there was the sale of supplements in association with the practice.

Ms. Weiler replied she sells supplements to her patients.

Chair L. McNair questioned if the parking would comply if medical doctor wanted to locate in the building.

Planner M. Witmer replied 1 practitioner and a residential unit would require 8 parking spaces. He noted two off-street parking spaces are located in the Mac Avenue setback area.

Chair L. McNair questioned if a massage therapist is considered a medical office in the definition of a medical office.

Planner R. Kostyan replied a massage therapist would be a medical office as they are a licensed practitioner.

Jim McGregor explained he has operated a business in the building since 1975 with 1,000+ customer list and there has been no parking problems associated with the business.

Ms. B. Innis a resident of Mac Avenue expressed concerns about parking on Mac Avenue and the possibility of more cars requiring on-street parking with two practitioners in the building. She advised she did not support the request and felt it was not minor.

The Committee members discussed conditions which would be included in any recommendation which could address the concerns of Ms. Innes.

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

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

“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 and 4.13.4.2 of Zoning By-law (1995)-14864, as amended, for 581 Woolwich Street, to establish a medical clinic (with two licensed practitioners) with one residential unit, and

- a) to permit a total of eight off-street parking spaces in the rear yard when the By-law requires that seven off-street parking spaces be provided for every practitioner and one off-street parking space be provided for the residential unit (total of 15 off-street parking spaces are required), and
- b) to permit two off-street parking spaces be located 2 metres (7.87 feet) from Mac Avenue property line when the By-law requires that no part of a parking space be located closer than 3 metres (9.84 feet) to any street line (Mac Avenue),

be approved, subject to the following conditions:

1. That the medical office use be limited to either/or two (2) licensed practitioners (naturopath/athletic therapist).
2. That parking be demarcated as per the site plan submitted with Application A-84/12, prior to occupancy.

3. That the applicant take steps to encourage clients to park in the parking lot associated with the practice.”

Carried

Application: **A-87/12**

Owner: **Maple Key Management Ltd.**

Agent: **Black, Shoemaker, Robinson and Donaldson, Nancy Shoemaker**

Location: **30 Edinburgh Road North**

In Attendance: **Bob Mason**
 MaryPat Garton
 Sarah and Ryan Tackaberry
 Nancy Shoemaker

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

Nancy Shoemaker replied the notice sign was posted and comments were received from staff. She explained the plaza was originally built as an industrial mall plaza which has evolved to include other commercial type uses. She noted the owner has interest from 4 message therapists who are classified as medical practitioners. She noted there will be four rooms for message which will be utilized by full/part-time practitioners. She noted the plaza has an abundance of parking and meets the requirements for the uses requested. She explained when they met with staff to discuss the application it was recommended a variance be obtained for the new Champions Choice relocation to the plaza. She noted they manufacture and assemble trophies and provide engraving services, however there is also a retail component to the business.

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. Kelly and seconded by J. Andrews,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Sections 7.1.3.1 and 7.3.4.14.1 of Zoning By-law (1995)-14864, as amended, for 30 Edinburgh Road North,

- a) to permit a 90 square metre (969 square foot) retail establishment in Unit C when the By-law permits a variety of uses but does not permit a retail establishment, and
- b) to permit 133 square metre (1431 square foot) medical clinic in Unit B2 when the By-law permits a variety of uses but does not permit a medical clinic,

be approved, subject to the following conditions:

1. That the retail establishment (trophy store) be limited to 90 square metres (969 square feet).
2. That the medical clinic be limited to four (4) practitioners at any one time.
3. That the floor area for the medical clinic be limited to 133 square metres (1431 square feet)."

Carried

Committee member J. Hillen, having declared a pecuniary interest for the next application, left the room.

Application: **A-86/12**

Owner: **Mar-Cot Developments**

Agent: **BJC Architects Inc., Jeff Hillen**

Location: **1467 Gordon Street**

In Attendance: **Mario Cotroneo**

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

Mr. Cotroneo replied the notice sign was posted and comments were received from staff. He explained they have not been able to lease the second floor of the building. He noted they currently have interest to establish a medical office on the vacant second floor.

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. Kelly seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Sections 6.1.3.25.1 and Section 6.1.1 of Zoning By-law (1995)-14864, as amended, for 1467 Gordon Street, to permit a 144 square metre (1,550 square foot) physiotherapist’s office (medical office) on the second floor when the By-law permits a variety of uses but does not permit a medical office, be approved, subject to the following conditions:

1. That the medical office be limited to one (1) practitioner.
2. That the floor area for the medical office be limited to 144 square metres (1550 square feet).
3. That the medical office be located on the second storey.”

Carried.

Committee member J. Hillen was summoned back to the room.

Application:	B-27/12 and A-90/12
Owner:	Dean and LeaAnne Goods
Agent:	n/a
Location:	Albert Street
In Attendance:	Dean Goods LeaAnne Goods Roy Allingham

The Secretary-Treasurer advised the applicant has submitted a written request for refund of application fees.

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

Mr. Goods replied the notice sign was posted and comments were received from staff. He noted he was before the Committee for a severance a few months back however the lot

frontage requested was incorrect. He noted staff has expressed concerns related to the revised sketch. He addressed the recommended conditions and questioned why the driveway could not be moved to the other side of the lot.

Planner M. Witmer explained to the Committee that if the driveway was located on the western portion of the severed parcel it will impact the large tree located on the City's road allowance. He noted they have involved the City's arborist to provide advice on how to retain the tree. He noted if a driveway is installed in that area of the lot, the top will become impervious and will influence the tree. He noted the minimum 4 metre setback recommended also may affect the tree however they will rely on the advice of the arborist.

Planner R. Kostyan noted that the recommendation for a 4 metre setback is a recommendation only. She expressed concern there was information missing from the drawings. She noted the chimney stack on the existing structure is not shown which could affect the driveway width for the retained parcel. She further noted a 0.5 metre landscaped strip has not been identified which will require a variance if there are no plans to implement it.

Mr. Good agreed to meet with the surveyor to provide another drawing for review.

Mr. Roy Allingham who resides at the corner of Albert and Mary Street expressed concern about the recommended driveway location. He requested the Committee more flexibility so the tree roots are not affected.

Planner R. Kostyan noted that in light of the tree location which was not on the original severance sketch, staff have removed the condition regarding minimum setback. She noted the determined setback will be contingent on the arborist's expertise.

Planner M. Witmer noted staff must consider to elements respecting the setback of the new dwelling – whether it will be consistent with the setbacks along the street and taking into account the protection of the existing City tree.

After discussion, the Committee determined all information should be submitted to staff for review and for the Committee to review prior to any decisions being made.

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

“THAT Applications B-14/12 and A-90/12 for Dean and LeaAnne Goods at 58 Albert Street, be deferred sinedie, and in accordance with the Committee's policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.”

Carried.

Committee members J. Andrews and D. Kelly left the meeting at 5:35 p.m.

Application: **A-88/12**

Owner: **Karen Izenberg and Shael Weinberg**

Agent: **n/a**

Location: **52 Lyon Avenue**

In Attendance: **Karen Izenberg**

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

Ms. K. Izenberg replied that she did post the sign and she also received the staff comments. She explained that they have an existing garage they would like to demolish and they are asking for a one foot setback variance from the side yard and the rear yard to be able to build a new garage.

Committee member R. Funnel questioned whether the new garage could be moved forward in order to comply with the 2 foot requirement at the rear.

Ms. K. Izenberg replied that the new garage will be moved slightly forward but to be able to fit a vehicle, the garage needs to be deeper. She explained that the location of their house will interfere with their options.

Committee member B. Birdsell questioned whether, during excavation, they must encroach onto the neighbour's property.

Ms. K. Izenberg replied that she is not aware of the construction details. She explained that the existing garage is already very close to the property line and the new garage will be placed on the same location.

Chair L. McNair questioned whether the board fence is on their property or the neighbour's.

Ms. K. Izenberg replied that she believes the fence is on the property line but the intent is to take the fence down.

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

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

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

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.5.1.2 of Zoning By-law (1995)-14864, as amended, for 52 Lyon Avenue, to permit an 4.1 metre by 6.7 metre (13.5 foot by 22 foot) detached garage to be located 0.3 metres (1 foot) from the rear yard property line and from the right rear side property line when the By-law requires that accessory buildings or structures shall be located a minimum of 0.6 metres (1.96 feet) from any lot line, be approved.”

Carried

Committee member D. Kelly returned to the meeting at 5:52 p.m.

Application: **A-83/12**

Owner: **Leo Bareis and Glynis Logue**

Agent: **n/a**

Location: **64 Durham Street**

In Attendance: **Leo Bareis**
 Glynis Logue
 Stephanie Craig
 Jim Gerrard

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

Ms. G. Logue replied that she did post the sign and the staff comments were received. She explained that they bought the property a few years ago and are now hoping to increase the size of the existing garage. She also explained that the entry to the existing garage does not meet the requirements for their needs. She commented that they received feedback from City staff and they modified the proposal to try to minimize any concerns. She noted that the proposal is in keeping with the four tests of the Planning Act; the total area of the garage is secondary when compared to the floor area of their main building and they are leaving ample room for amenity space. She commented that the garage will not exceed the Zoning By-law requirement of 70 square metres. She explained that the attic was added to increase storage space. She continued by noting that they have signed a letter indicating that the building will

not be used for human habitation. She also explained that the height would be lower than any of the houses surrounding them and that they are not demolishing the old garage but are expending it forward and upward. She further commented that their neighbours have been supportive of them improving the existing garage. She noted that they have already talked to an arborist regarding pruning an existing tree to accommodate the enlarged garage.

Committee member B. Birdsell questioned whether the eaves would overhang the property line.

Mr. J. Gerrard replied that the existing roof is already overhanging but that they are trying to keep the encroachment as minimal as possible.

Ms. G. Logue explained that they are not changing the exterior walls of the existing garage.

Committee member J. Hillen commented that it is not recommended to encroach onto the neighbouring properties.

Planner R. Kostyan commented that if the encroachment is a concern, an agreement could be registered on title describing it.

Committee member B. Birdsell questioned if the neighbours at the rear of the property are supportive of the proposal.

Mr. L. Bareis replied that they are supportive of the proposal.

Committee member D. Kelly commented that, in her opinion, it is difficult to support the application when any maintaining of the garage must be done by stepping on the neighbouring property. She continued by commenting that the current neighbours might be supportive at the moment but by approving the variances, it would create a permanent situation.

Secretary-Treasurer K. Fairfull informed the Committee that in the past applications have been approved accompanied by an access easement which makes it possible to maintain the building.

Chair L. McNair commented that perhaps an access easement for maintenance is required and also an encroachment agreement.

Committee member D. Kelly commented that she feels reluctant to approve an application where different agreements are required for a creation of a new structure.

Committee member J. Hillen questioned whether there high roof is necessary.

Mr. L. Bareis replied that the roof height is critical due to the storage space required.

Committee member R. Funnell questioned whether the addition towards the front of the garage is necessary.

Ms. G. Logue replied that the addition has been designed to be as small as possible but it is required.

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

Moved by B. Birdsell and seconded by D. Kelly,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Sections 4.5.1.1, 4.5.1.2 and 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for 64 Durham Street, to permit a 15.6 square foot (168.1 square foot) addition to the existing garage in the rear yard and:

- a) to permit the detached garage to occupy 37.7% of the rear yard when the By-law requires that no more than 30% of the yard is occupied by an accessory structure;
- b) to permit the detached garage to be located 0.09 metres (0.3 feet) from the right side lot line when the By-law requires that any accessory structure be located a minimum of 0.6 metres (1.97 feet) from any lot line, and,
- c) to permit the detached garage to have a height of 5.08 metres (16.66 feet) when the By-law requires that any accessory structure shall not exceed a height of 3.6 metres (11.81 feet) as measured from the mid-point between the eave and the ridge, be refused.”

Carried

When questioned by the applicant the reasons for refusal, the Committee provided a response.

Application:	A-89/12
Owner:	Roger and Kimberley King
Agent:	n/a
Location:	12 Wilton Road

In Attendance: **Kim King**
 Roger Kim
 Beatrice Head

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

Ms. K. King replied that the sign was posted and she also received the staff comments. She explained that she is proposing to build a deck platform to be able to access a side door which leads to the basement.

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

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

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7 Row 1 of Zoning By-law (1995)-14864, as amended, for 12 Wilton Road, to permit a 0.9 metre by 5.4 metre (3 foot by 17.75 foot) deck to be located 0.29 metres (0.96 feet) from the left side yard property line when the By-law requires that the minimum setback for an uncovered deck from a side yard lot line be 0.6 metres (1.96 feet), be approved.”

Carried

Application: **A-91/12**

Owner: **Dennis Kim and Mary Cameron**

Agent: **Betz Pools, Carol-Ann Betz**

Location: **65 Maple Street**

In Attendance: **Mary Cameron**

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

Ms. M. Cameron replied that she did post the sign and the staff comments were received. She explained that they live in an 1860 century stone house in the down town area on a lot which

has several mature trees. She further explained that they are hoping to install a swimming pool in the front yard. She commented that they are asking for a deferral so that an assessment can be done on the existing trees and she can also have a discussion with Heritage Guelph regarding their proposal.

Planner M. Witmer commented that the City's Environmental Planner will be conducting an inspection of the property.

Ms. M. Cameron noted that she understands there will be a payment of the deferral fee required and she would like to ask for a relief of the payment of those fees.

Committee member R. Funnell advised the applicant to contact staff for details on the request.

Moved by J. Hillen and seconded by D. Kelly,

"THAT Application A-91/12 for Dennis Kim and Mary Cameron at 65 Maple Street, be deferred sinedie, to allow the owner to meet with staff to address their concerns and in accordance with the Committee's policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application."

Carried

Application:	A-85/12
Owner:	Kim Benham
Agent:	n/a
Location:	34 Nottingham Street
In Attendance:	Kim Benham John Cox John Romeo Randy Lovegrove

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

Ms. K. Benham replied that the sign was posted and the staff comments received.

Mr. J. Cox explained the history of the property. He further explained that when the current owner purchased the property in 2007, the front deck existed as well as the accessory

apartment in the basement. He noted that there was an existing retaining wall at the front yard which was removed because it was leaning towards the neighbouring property. He commented that they are asking for parking variances mainly in order for the owner to be able to provide the required parking for the accessory apartment. He explained that they are proposing to re-build a small deck in front of the front door which will accommodate a slightly larger parking space. He further explained that if the Committee considers the size of the lot, the driveway width variance is in keeping with the intent of the Zoning By-law regulations and is in keeping with the surrounding neighbourhood. He commented that an encroachment agreement with the City would allow two of the parking spaces to encroach onto the City road allowance. He noted that the boulevard extends over 7 metres from the sidewalk to the lot line which leaves ample room for parking. He explained that the application is minor in nature, is a desirable use of the property, meets the intent of the Zoning By-law and through the intensification policies also meets the intent of the Official Plan.

Committee member D. Kelly commented that the zoning staff comments indicate that this application is a result of a complaint regarding drainage issues and driveway and also that the accessory apartment was created without building permit.

Mr. R. Lovegrove explained that they are working with City staff to correct the retaining wall and drainage issues. He further explained that while discussing the situation with City staff, they disclosed the fact that there was an apartment in the basement.

Mr. J. Cox noted that they would be in agreement to add a condition that the City must approve the drainage and retaining wall.

Committee member D. Kelly commented that she does not believe the request to widen the driveway to 51.28% of the front yard is reasonable when only 40% is allowed. She noted that it is not desirable or appropriate and would create a negative impact especially on the neighbour.

Planner R. Kostyan reminded the Committee that the applicant is also asking for an approval to park on the City right-of-way.

Secretary-Treasurer K. Fairfull commented that the previous owner, who was disabled, received approvals for a minor variance for the location of a wheelchair ramp leading to the front door. She continued by noting that an agreement, registered on title, stated that once the property changes ownership, the access ramp must be removed.

Committee member J. Hillen commented that he feels that the application needs to be divided in two.

Decision 1 of 2

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and

purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by J. Hillen and seconded by D. Kelly,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Sections 4.13.2.1 and 4.13.3.2.2 of Zoning By-law (1995)-14864, as amended, for 34 Nottingham Street:

- a) to permit 4.43 metres (14.53 feet) of the legal off-street parking space to be located to the rear of the front wall of the building [1.07 metres (3.51 feet) of the parking space would project ahead of the main front building wall] when the By-law requires that the legal off-street parking space with a minimum depth of 5.5 metres (19 feet) be located to the rear of the front wall of the main building;
- b) to permit the legal off-street parking space to be located 2.07 metres (6.79 feet) from the street property line when the By-law requires that the legal off-street parking space be located a minimum of 6 metres (19.68 feet) from the street property line;

be approved.”

Carried

Decision 2 of 2

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. Kelly and seconded by J. Hillen,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.13.3.2.2 and Table 5.12 Row 12 of Zoning By-law (1995)-14864, as amended, for 34 Nottingham Street:

- a) to permit three off-street parking spaces, with two of the off-street parking spaces having a depth of 2.07 metres (6.79 feet) when the By-law requires a minimum three off-street parking spaces be provided on the property for the host dwelling and an accessory unit with the required parking spaces having a minimum width of

2.5 metres (8.2 feet) and a minimum depth of 5.5 metres (18 feet), [the remaining depth of 3.43 metres (11.25 foot) would project in the Nottingham Street road allowance] and,

- b) to permit the driveway to occupy 51.28% of the front yard [5 metre (16.4 foot) driveway] when the By-law requires that the driveway shall not constitute more than 40% of the front yard [3.9 metres (12.79 feet)],

be refused.

Reasons for refusal being:

1. The variance requests are not reasonable or desirable for the neighbourhood,
2. The variance requests do not meet the intent of the Zoning By-law, and,
3. The variance requests are not minor in nature. “

Carried

The meeting adjourned at 7:04 p.m.

L. McNair
Chair

Minna Bunnett, ACST(A)
Assistant Secretary-Treasurer

Kim Fairfull, ACST
Secretary-Treasurer

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday August 14, 2012 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell
J. Hillen
B. Birdsell
J. Andrews
A. Diamond
L. McNair – Chair

Regrets: D. Kelly, Vice-Chair

Staff Present: M. Witmer, Planner
K. Fairfull, Secretary-Treasurer
M. Bunnnett, Assistant Secretary-Treasurer

Declarations of Pecuniary Interest

Committee member A. Diamond declared a pecuniary interest for Application A-96/12 at 375 Edinburgh Road, South, as the owner is a client.

Committee member J. Hillen declared a pecuniary interest for Application B-31/12, Elmira Road, South as the owner is a client.

Meeting Minutes

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

“THAT the Minutes from the July 10, 2012 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

Other Business

The Secretary-Treasurer advised the Ontario Municipal Board decision was received for Application A-45/12 at 32 Mason Court. She advised the Board allowed the appeal of the owner and allowed the variances.

The Secretary-Treasurer advised the Ontario Municipal Board hearing for Application A-15/12 at 106 Clough Crescent, being an appeal of the refusal of an off-street parking variance has been scheduled for Thursday October 4, 2012 in Room 112, City Hall.

The Secretary-Treasurer advised that an appeal for application A-74/11 at 25 Ervin Crescent has been withdrawn. The appeal was for the refusal of the variance from the Interim Control By-law.

Application: **A-95/12**

Owner: **Herb and Chris Kalweit**

Agent: **Complete Home Concepts Inc., Mal Benham**

Location: **81 Parkside Drive**

In Attendance: **Kim Brown**
 Herb Kalweit

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

Ms. Brown advised the notice sign was posted and comments were received from staff. She explained they are requesting a lot coverage of 1.4% more than the By-law requires to accommodate a sunroom addition.

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 A. Diamond and seconded by J. Hillen,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 5.5.2.1.1.6 of Zoning By-law (1995)-14864, as amended, for 81 Parkside Drive, to permit the main dwelling and a 30 square metre (322.19 square foot) rear sunroom addition to occupy 36.4% of the lot when the By-law requires that no more than 35% of the lot be covered by buildings or structures, be approved.”

Carried

Application: **A-98/12**

Owner: **John Lillie**

Agent: **1438173 Ontario Inc.; Donald Froome**

Location: **70 Dawson Road**

In Attendance: **Dean Froome**
 Donald Froome

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

Mr. Froome replied the notice sign was posted and comments were received from staff. He noted they currently have a 3,000 square foot facility in Guelph and they are looking for a larger space for their business. He noted this building is approximately 15,000 square feet and could accommodate the expanded business.

Planner M. Witmer noted that based on a site visit the site has not been constructed in accordance with the approved site plan. He noted the handicapped parking space is not present and the transformer in the front yard is not on the site plan and the sidewalk and landscaping in front of the building are not present. He noted staff will be following up with the owner to bring the property into compliance.

Mr. Froome noted the owner has agreed to remove the trailer.

Committee member J. Hillen noted submission of the site plan for approval may take some time. He questioned if this condition should form part of the decision.

Planner M. Witmer noted staff will be following up on the non-compliance with the owner of the property.

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

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

“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 7.1.3 of Zoning By-law (1995)-14864, as amended, for 70 Dawson Road, to permit a print shop in a free

standing building when the By-law permit a print shop use only within a mall (2 or more units), be approved, subject to the following condition:

1. The applicant remove the trailer currently occupying parking spaces 5 and 12 on the submitted sketch within 90 days of receiving the minor variance approval to permit a print shop in a free standing building, or before any necessary and requested building permits are issued, whichever occurs first.”

Carried

Application: B-30/12

Owner: Nosam Properties Ltd.

Agent: Van Harten Surveying Inc., Jeff Buisman

Location: 24 Douglas Street

In Attendance: John Mason
Jeff Buisman

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

Mr. Buisman replied the notice sign was posted and comments were received from staff. They requested the Committee defer the application to review the site in details which will assist staff in commenting on the application.

Moved by R. Funnell and seconded by A. Diamond,

“THAT Application B-30/12 for Nosam Properties Ltd. at 24 and 26/28 Douglas Street, be deferred sinedie, to discuss with the neighbours a possible compromise and in accordance with the Committee’s policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

Committee member A. Diamond, having declared a pecuniary interest for the next application, left the room.

Application: A-96/12

Owner: Tree Haven Limited

Agent: L. Alan Grinham Architect Inc.; Lloyd Grinham

Location: 375 Edinburgh Road South

In Attendance: Lloyd Grinham

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

Mr. Grinham replied the notice sign was posted and comments were received from staff. He explained the was rezoned many years ago to high density residential and currently contains a residential dwelling. He noted they want to construct a detached garage for ease of access from the main dwelling.

Planner M. Witmer noted there may be trees that need to be removed and property larger than 0.2 hectares so they will be subject to the Tree By-law. He noted the City's Environmental Planner will be contacting the owner.

Mr. Grinham noted this will need to be addressed with the building permit application. He further explained he sent an email to Stephen Robinson about appearing before the Heritage Committee to address their comments.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by J. Andrews and seconded by B. Birdsell,

"THAT in the matter of an application under Section 45(2)(a)(i) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to extend the legal non-conforming use at 375 Edinburgh Road South, to construct a 7.56 metre by 10.82 metre (24.83 foot by 35.5 foot) attached garage which would be located 7.5 metres (24.6 feet) from the rear lot line and 1.01 metres (3.31 feet) from the right side lot line, be approved."

Carried

Committee member A. Diamond was summoned back to the room.

Application: B-32/12 and B-33/12

Owner: B-32/12: Arkell Heights Ltd.

B-33/12: Moski Holdings Ltd.

Agent: Astrid J. Clos Planning Consultants, Astrid Clos

Location: 40-42 Arkell Road, 126 Arkell Road

In Attendance: Astrid Clos

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

Ms. Clos replied the notice sign was posted and comments were received. She explained City Council approved the rezoning of the property in May, 2012. She noted Severance 1 will provide laneway access to the parcel to the rear and the parcel to the rear of 40-42 Arkell Road is to put the lands same ownership for absolute title which will assist in a future site plan application. She noted she has reviewed the recommendations from staff and the owner has no concerns.

Application Number B-32/12

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

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

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 2, Registered Plan 514, being part of the lands municipally known as 40-42 Arkell Road Road, a parcel with a width of 8.2 metres along Arkell Road and a depth of 59.4 metres, as a lot addition to 126 Arkell Road, be approved, subject to the following conditions:

1. That the proposed severed parcel of land be conveyed to the abutting owner of 126 Arkell Road (Part of Lot 6, Concession 8) as a lot addition only (Form 3 Certificate).
2. That the following covenant is incorporated in the deed:-

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

3. That the owner deeds to the City free of all encumbrances a 1.892-metre (6.207 feet) wide parcel of land for a road widening across the entire frontage of frontage of 40 and 42 Arkell Road as shown in red on the owners site plan, prior to endorsonation of the deeds.
4. That prior to endorsonation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the road widening.
5. That prior to endorsonation of the deeds, the servient tenement (126 Arkell Road Part of Lot 6, Concession 8), grants a temporary easement/right-of-way with a width of 8.20-metres (26.90 feet) along Arkell Road and a depth of approximately 59.4-metres (194.88 feet), registered on title, in favour of the dominant tenement (40 and 42 Arkell Road, Part of Lot 2, Registered Plan 514) for access to the off-street parking.
6. That prior to endorsonation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the temporary easement/right-of-way.
7. That prior to endorsonation of the deeds, the owner's solicitor certifies that the temporary easement/right-of-way, in favour of the dominant tenement (40 and 42 Arkell Road, Part of Lot 2, Registered Plan 514), has been granted and registered on title.
8. That the requested easement to provide access to the retained parcel at 42 Arkell Road be limited to a period of no longer than two (2) years from the date of approval.
9. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to August 17, 2013.
10. 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.
11. 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.
12. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer

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

Carried

Application Number B-33/12

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

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

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 6, Concession 8, being part of the lands municipally known as 126 Arkell Road, a parcel with a width of 42.5 metres and a depth of 3 metres, as a lot addition to 40-42 Arkell Road, be approved, subject to the following conditions:

1. That the proposed severed parcel of land be conveyed to the abutting owner of 40 and 42 Arkell Road (Part of Lot 2, Registered Plan 514) as a lot addition only (Form 3 Certificate).
2. That the following covenant is incorporated in the deed:-
3. "The conveyance of (Severed Lands - legal description - Lot and Plan), City of Guelph, County of Wellington, designated as (Part and 61R-Plan Number) as a lot addition only to (Legal Description of Lands to be joined with - Lot and Plan), and shall not be conveyed as a separate parcel from (Legal Description of Lands to be joined with - Lot and Plan)."
4. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to August 17, 2013.
5. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
6. That the Secretary-Treasurer of the Committee of Adjustment be provided with a

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

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

Carried.

Application: B-34/12

Owner: Trustees Arkell Road Bible Chapel

Agent: Astrid J. Clos Planning Consultants, Astrid Clos

Location: Arkell Road

In Attendance: Nicolas Bell
Astrid Clos
Brian Watson
Kevin Enders
Jordan Zukowski

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

Ms. Clos replied the notice sign was posted and comments were received from staff.

The Secretary-Treasurer explained slight changes to the recommendations from Engineering Services to the members of the Committee, which were acceptable to the applicant.

Ms. Clos noted the application for severance is another step in the process of rezoning the property which was approved by Council in October 2011. She noted there was an email from an interested neighbour concerning the traffic and noted there was a traffic study prepared by the owner during the rezoning process which was reviewed and considered prior to considering the zoning for the property. She further noted the School Board was also involved as part of the rezoning process and conditions were imposed to address their comments received. She noted Nicolas Bell from Arkell Bible Chapel is available for questions.

Committee member B. Birdsell questioned if the drainage for the property ran out towards Gordon Street and questioned if an easement would be required to allow for the drainage to run to Gordon Street.

Ms. Clos noted the retained parcel with join a parcel that does have access to Gordon Street for access to Gordon Street.

Chair L. McNair questioned if the shed on the retained parcel would be removed to accommodate access to the property.

Ms. Clos replied this will be addressed during site plan approval for the project. She further noted there is a garage encroaching on the property which will be addressed through the pursuit of absolute title.

Kevin Enders who resides 33 Arkell Road noted the garage referred to is on his property and has been located there since the turn of the century. He expressed concern about the 33 foot wide access to the property as it will result in the removal of mature trees.

Planner M. Witmer advised that because the retained parcel is 1.0119 hectares it will be subject to the City's Tree B-law and a permit will have to be obtained and a compensation ratio of 2:1 will be implemented.

Ms. Clos noted this issue was raised at the time of the zoning amendment and will be reviewed during site plan approval. She advised the staff report recommended a condition a site plan being submitted and noted a condition regarding tree preservation could be duplicated in this recommendation.

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

Moved by B. Birdsell and seconded by A. Diamond,

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 7, Concession 8, to be known as 47 Arkell Road (residential dwelling) and 51 Arkell Road (church), a parcel with a frontage along Arkell Road of 58.35 metres (191.43 feet) along Arkell Road and a depth of 176.72 metres (579.79 feet) and an area of 1.046 hectares (2.59 acres), while retaining a 1.10119 hectare (2.5 acre) parcel for future residential development, be approved, subject to the following conditions:

1. That the owner deeds to the City free of all encumbrances a 5.182-metre (7.00 feet)

wide parcel of land for a road widening across the entire frontage of 41-51 Arkell Road, prior to endorsation of the deeds.

2. That prior to endorsation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the road widening.
3. 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 buildings, landscaping, parking, circulation, 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 shall develop the said lands in accordance with the approved site plan.
4. Prior to site plan approval, the owner shall submit a detailed Storm water Management Report and plans to the satisfaction of the General Manager/City Engineer which demonstrates how storm water will be controlled and conveyed.
5. That the developer grades, develops and maintains the said lands including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.
6. Prior to site plan approval 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. Furthermore, the owner shall provide a qualified environmental inspector, satisfactory to the General Manager/City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures on a weekly or more frequent basis if required. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.
7. Prior to the issuance of any building permits on the said lands, the owner shall pay to the City, their share of cost of the existing watermain on Arkell Road across the frontage of the property at a rate per metre of frontage determined by the General Manager/City Engineer.
8. Prior to the issuance of any building permits on the said lands, the owner shall pay

to the City, their share of the actual cost of constructing municipal services on Arkell Road across the frontage of the land including roadworks, sanitary sewer, storm sewer, curb and gutter, catchbasins, sidewalks, street lighting as determined by the General Manager/City Engineer.

9. Prior to the issuance of any building permits, the owner shall pay to the City the actual cost of existing service laterals as determined by the General Manager/City Engineer.
10. The owner shall pay to the City the actual cost of constructing and installing any new service laterals required and furthermore, prior to site plan approval, the owner shall pay to the City the estimated cost of the service laterals, as determined by the General Manager/City Engineer.
11. The owner shall pay to the City the actual cost of the construction of the new access and the required curb cut for 41 Arkell Road, prior to site plan approval and prior to any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the General Manager/City Engineer of constructing the new access/private road and the required curb cut.
12. That the owner shall provide the driveway connection to 41 Arkell Road with a Right-in/Right-out only on Arkell Road.
13. That the owner constructs the new buildings at such an elevation that the lowest level of the new buildings can be serviced with a gravity connection to the sanitary sewer.
14. That prior to Site Plan approval, the owner shall pay to the City, their share of the actual cost of the existing Municipal Stormwater Management facility.
15. That the owner pays to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
16. 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 development of the lands.
17. That all electrical services to the lands are underground and the developer/owner

shall make satisfactory arrangements with 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 development of the lands.

18. The Developer shall ensure that all telephone service and cable TV service in the Lands shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the Lands.
19. That prior to site plan approval, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer and the City Solicitor, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.
20. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to August 17, 2013.
21. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
22. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
23. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Application: **A-93/12**

Owner: **1077 Gordon Holdings Inc.**

Agent: **Coletara Development, Helmuth Strobel**

Location: 1077 Gordon Street

**In Attendance: Natalie Grieco
Helmuth Strobel**

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

Mr. Strobel replied that he did post the sign and the staff comments were received. He explained that the property at 1077 Gordon Street has gone through re-zoning process to allow for a higher density. He further explained that it was noticed in the preliminary site plan process that their proposal would not be in compliance with the zoning requirement for the rear yard. He noted that the required rear yard should be 20% of the lot depth when they are providing 7.5 metres. He commented that there is a storm water pond and naturalized area at the rear of the property.

Planner M. Witmer commented that staff feels the 20% requirement would be unreasonable and would result in a lower density.

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

Moved by J. Andrews and seconded by J. Hillen,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.4.2 Row 9 of Zoning By-law (1995)-14864, as amended, for 1077 Gordon Street, to permit a four storey apartment building to be located 7.5 metres from the rear lot line when the By-law requires buildings be located a minimum distance from the rear lot line equal to 20% of the lot depth or 7.5 metres, whichever is greater [31 metres required], be approved subject to the following condition:

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 buildings, landscaping, parking, circulation, 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 shall develop the said lands in accordance with the approved site plan.”

Carried

Application: B-27/12 and A-90/12

Owner: Dean and LeaAnne Goods

Agent: n/a

Location: Albert Street

In Attendance: Dean Goods
LeaAnne Goods

The Assistant Secretary-Treasurer advised of a modification to the proposed conditions, specifically removing Planning Services condition number 7.

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

Mr. Goods replied that he did post the sign and he has received the staff comments. He explained that the house at 58 Albert Street has a large frontage and he is proposing to sever the property. He advised that since last submission for the severance, he has added the required 0.5 metre landscaped strip next to the proposed driveway.

Planner M. Witmer explained that staff recommends the removal of Planning Services condition number 7 which required the removal of the chimney stack from the existing dwelling. He further explained that based on the adjusted lot line of the retained parcel, the off-street parking can now be accommodated in the driveway without removing the chimney.

Application Number B-27/12

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

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

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 19, Registered Plan 37, to be known as 60 Albert Street, a parcel with a frontage along Albert Street of 12.15 metres (39.86 feet) and a depth of 40.2 metres (131.88 feet), be approved subject to the following conditions as amended:

1. That the owner relocates the existing sanitary service lateral to the existing house from the proposed severed lands onto the lands being retained, satisfactory to the Plumbing Inspector, prior to endorstation of the deeds.
2. That the owner pays the actual cost of constructing new service laterals to the proposed severed lands including the cost of any curb cuts or fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
3. That the owner pays the actual cost of the construction of the new driveway entrances including the required curb cuts and/or curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
4. That a legal off-street parking space be created on the severed lands at a minimum setback of 6-metres from the property line at the street.
5. That the owner pays the actual cost associated with the removal of the existing gravel 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 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.
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 constructs a driveway and legal off-street parking space for the proposed retained lot, satisfactory to the General Manager/City Engineer, prior to endorstation of the deeds.
8. That prior to the issuance of any building permit on the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed severed lands.
9. That the owner shall make satisfactory arrangements with the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the proposed severed lands, prior to the issuance of any building permit.
10. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorstation of the deeds.

11. That 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.
12. That any future driveway servicing the severed parcel (60 Albert Street) be located on the eastern portion of the severed parcel, located closest to the retained parcel;
13. That prior to the issuance of building permit(s) for the proposed dwelling on the severed portion (60 Albert Street), the building envelope of the proposed dwelling be reviewed by the City's arborist to ensure that there will be no negative impact on the existing mature tree on the City's right of way;
14. That the proposed driveway servicing the retained parcel (58 Albert Street) be located on the western portion of the retained parcel, located closest to the severed parcel;
15. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act;
16. That the elevation and design drawings for the new dwelling on the severed parcel be submitted to, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage;
17. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwelling on the severed parcel indicating:
 - a. The location and design of the new dwelling;
 - b. All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction;
 - c. That the proposed driveway be located a minimum of 6.4 metres (21 feet) from the base of the trunk of the existing mature street tree on Albert Street;
 - d. The location of the new dwelling with a setback that is in character with the

surrounding area;

- e. That any portion of the new dwelling that may conflict with the street tree be located a minimum of 7.3 metres from the base of the trunk of the existing mature street tree on Albert Street;
 - f. Grading, drainage and servicing information;
18. That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services;
19. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit;
20. That the applicant shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsation of the deeds, at the rate in effect at the time of the endorsation;
21. That prior to issuance of a building permit for the new dwelling, Heritage Planning staff and Heritage Guelph review and comment on all plans, including elevations, plans and site plan.
22. That prior to issuance of a building permit for alterations to the existing building, the applicant be required to submit revised, properly scaled drawings (for all four elevations) to the satisfaction of Building Services showing any proposed alterations to the existing building on the lot to be retained.
23. That, prior to issuance of a building permit for alterations to the existing building, Heritage Planning staff and Heritage Guelph be required to review and be satisfied with all plans (including elevations, plans and site plan) for any proposed alterations to the existing building on the lot to be retained.
24. That prior to issuance of a building permit, the owner make satisfactory arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the servicing of the future lot with a new overhead or underground service.

25. That prior to the endorsation 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. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to August 17, 2013.
27. 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.
28. 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.
29. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Application Number A-90/12

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

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

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of table 5.1.2-Row 4 and Section 5.1.2.6 of Zoning By-law (1995)-14864, as amended, for 60 Albert Street, to permit the severed parcel to have a lot frontage of 12.15 metres (39.86 feet) when the By-law requires a minimum frontage equal to the average of the existing frontage within

the same City Block Face and not greater than the frontage identified in Table 5.1.2 [15 metres (49.21 feet) required], be approved, subject to the following condition:

1. That the conditions imposed for Application B-27/12 be and form part of this approval.”

Carried

Committee member B J. Hillen, having declared a pecuniary interest for the next application, left the room.

Application: **B-31/12**

Owner: **Armel Corporation**

Agent: **Black, Shoemaker, Robinson & Donaldson Ltd.**

Location: **Elmira Road South**

In Attendance: **Nancy Shoemaker**
 Chris Corosky

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

Ms. Shoemaker replied that the sign was posted and the staff comments were received. She explained that the application is a request to sever a parcel of land on the west side of Elmira Road to accommodate future Costco development. She further explained that an application for site plan approval will be submitted later this week. She commented that they are in agreement with the conditions. She further commented that the blanket easements mentioned are for accessing both sites.

Chair L. McNair questioned if the North side of the lands will be undeveloped at this time.

Ms. Shoemaker replied that is correct and the lands are also owned by Armel Corporation.

Planner M. Witmer commented that a storm water management area exists to the North of the site.

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

Moved by R. Funnell and seconded by A. Diamond,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 6, Concession 1, Division ‘B’ and Part of Original Road Allowance between Division ‘B’ and ‘E’ and Part Lot 4, Concession 2, Division ‘E’, to be known as 28 Elmira Road, South, a parcel with a frontage of 274 metres (898.95 feet) along Elmira Road and a total area of 5.471 hectares (13.52 acres), be approved subject to the following conditions:

1. That prior to endorsation of the deeds, the owner receives approval for the current zoning by-law amendment application that is on file (ZC1117) for both the severed and retained lands.
2. That prior to endorsation of the deeds, the owner submits and receives approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan for the severed portion of the lands, indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the General Manager of Planning and the City Engineer. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.
3. That prior to endorsation of the deeds, the owner shall have all easements necessary for municipal services and rights-of-way for mutual vehicular access and circulation on the lands, to be registered on title.
4. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to August 17, 2013.
5. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
6. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
7. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the

draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried

Committee member J. Hillen was summoned back to the room.

Application: A-91/12

Owner: Dennis Kim and Mary Cameron

Agent: Betz Pools Ltd., Carol-Ann Betz

Location: 65 Maple Street

In Attendance: Mary Cameron

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

Ms. Cameron replied that she did post the sign and the staff comments were received. She explained that the dwelling on the property was built in 1860. She further explained that the interior side yard is on a steep hill with several trees and therefore is not an ideal location for the swimming pool. She commented the rear yard is similarly forested and small. She explained that they have a circular driveway in the exterior side yard and due to privacy issues and mature trees this is not an ideal location either. She further explained that off Maple Street you can only see vegetation and a steep grade. She commented that the fence is required to protect the pool and even though it will be located in the sight line triangle, there will be no danger for the traffic due to a grade difference, with the street being lower. She continued by commenting that the fence will be located 17 feet back from the property line. She explained that the roofed gazebo will be open and will not block the view of the existing dwelling.

Committee member J. Hillen questioned whether several trees will be affected by the construction.

Ms. Cameron replied that there are three mature trees in the vicinity and they will need to remove two trees to accommodate to swimming pool. She explained that there is a protection plan for some of the trees which are located further away.

Planner M. Witmer commented that he has visited the site with City’s Environmental Planner. He explained that an extensive plan was done to identify which trees must be protected and which ones will be removed. He further explained that there is a compensation plan in place to

replace removed trees. He commented that staff is supportive of the variance; the property has very unique attributes with natural screening.

Ms. Cameron questioned whether Committee could consider a refund for the payment of a deferral fee.

Planner M. Witmer noted that the deferral was necessary so that the City Environmental Planner could assess the property and also to give more time for the applicant to decide on the best location for the swimming pool.

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

Moved by J. Andrews and seconded by A. Diamond,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Sections 4.5.5.1, 4.5.1, 4.20.9, 4.20.10.2 and 4.6.1.ii) of Zoning By-law (1995)-14864, as amended, for 65 Maple Street,

- a) to permit the in-ground swimming pool and hot tub to be located in the front yard, 9.75 metres (32 feet) from Maple Street when the By-law does not permit a swimming pool/hot but in a front yard;
- b) to permit the gazebo in the front yard, 9.75 metres (32 feet) from Maple Street when the By-law does not permit an accessory building or structure (gazebo) in the front yard;
- c) to permit the 1.52 metre (5 foot) high fence surrounding the pool to be located in the front yard and exterior side yard, when the By-law limits the height of a fence in the front yard to a maximum of 0.8 metres (2.62 feet), and,
- d) to permit a portion of the fence surrounding the pool to be located within a corner sight line triangle (Maple Street and Bellevue Street) when the By-law limits the height of a fence within the corner sight line triangle to a maximum of 0.8 metres (2.62 feet) above the level of the travelled portion of the abutting streets,

be approved subject to the following conditions:

1. That the applicant apply for and receive a permit to destroy or injure regulated trees in accordance with By-law Number (2010)-19059 prior to the issuance of a permit to install and construct the proposed pool as well as before receiving any required building permits.

2. That the applicant prepare a Tree Preservation Plan where trees are proposed to be retained and are in proximity to the proposed works to the satisfaction of the Inspector, prior to the issuance of a permit to install and construct the proposed pool as well as before receiving any required building permits.
3. That prior to issuance of a building permit, Heritage Planning staff are required to review and comment on all elevations, plans and site plan for a proposed in-ground pool, related fencing and related accessory building (pool shed)."

Carried

Moved by J. Andrews and seconded by B. Birdsell,

"THAT for Application A-91/12 at 65 Maple Street the deferral application fee be 50% of the regular deferral fee amount, the amount being \$113.00"

Application: **A-94/12**

Owner: **Lynda Lehman and Russell Hyuck**

Agent: **n/a**

Location: **8 Oliver Street**

In Attendance: **Lynda Lehman**
 Thomas Ziegler

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

Ms. L. Lehman replied that the sign was posted and the staff comments were received. She explained that they are proposing to build an addition to the rear of the existing dwelling. She further explained that last year the driveway was widened to accommodate two vehicles. She noted that if the driveway is extended further, there would be a vehicle parked next to the neighbour's window. She explained that the addition has been designed so that an old stone wall would be preserved which was preferred by Heritage Planning. She commented that the intention is to not close the stone wall but leave it as an interior wall. She explained that if they change the design of the addition to include a perpendicular wall, they would have to dig to create a foundation which could harm the stone wall or close the stone wall from view.

Mr. T. Ziegler, the contractor, commented that the existing stone wall is secure and they would like to keep it. He noted that once the wall is on the interior, there will be no concern of frost action.

Ms. L. Lehman noted that Heritage Planning would prefer if they can maximize the visibility of the stone wall which currently is covered with a shed.

Planner M. Witmer commented that due to the fact that the drawings indicated the addition was a “new two storey residence”, staff had some concern that a semi-detached dwelling was being created. He noted that it has since been confirmed that there are connections within the house to eliminate the concerns. He explained that to be able to comply with the by-law regulations, the owner might have to remove the stone wall to accommodate the re-design of the addition.

Ms. L. Lehman commented that if the wall is not stable, it might have to be demolished if they modify the design for the addition.

Chair L. McNair commented that the driveway can accommodate a 5.5 metre parking space behind the front wall of the dwelling.

Committee member J. Hillen commented that the variance request is to provide one parking space 6 metres back from the property line. He continued by commenting that a parking space can be provided in the driveway, even though it will not be located as far back as 6 metres.

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

Moved by B. Birdsell and seconded by J. Andrews,

“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 Zoning By-law (1995)-14864, as amended, for 8 Oliver Street, to construct a 119 square metre (1,281 square foot) two storey addition to the rear of the dwelling resulting in the legal off-street parking space having a depth of 3.8 metres (12.5 feet) when the By-law requires the legal off-street parking space have a minimum depth of 5.5 metres (18 feet) and be located a minimum of 6 metres (19.68 feet) from the Oliver Street property line, be approved.”

Carried

Application: **A-92/12**

Owner: **Han Zhong Cui and Meizhan Wu**

Agent: **n/a**

Location: **17 Laurelwood Court**

In Attendance: **Han Zhong Cui**
 Meizhan Wu

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

Mr. Cui replied that the sign was posted and he did receive the staff comments. He explained that a laundry room has been created in the garage many years ago by the previous owner. He commented that the laundry room is elevated and does not affect the parking space in the garage. He noted that most vehicles will fit underneath the laundry room.

Committee member B. Birdsell questioned if it is known what the distance is from the front of the garage to the front property line.

The Assistant Secretary-Treasurer replied that the driveway is 7.12 metres deep.

Chair L. McNair questioned if there are steps coming down from the laundry room.

Planner M. Witmer replied that there are no steps from the garage to the dwelling and there is no entrance from the laundry room to the garage.

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

Moved by J. Hillen and seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.13.3.2.2 of Zoning By-law (1995)-14864, as amended, for 17 Laurelwood Court to permit a laundry room which has been constructed in the rear of the attached garage resulting in the legal off-street parking space having a depth of 4.07 metres (13.37 feet) when the By-law requires the legal off-street parking space (in the garage) have a minimum depth of 6 metres (19.68 feet), be approved.”

Carried

Application: **A-97/12**

Owner: **Gordon Street Co-operative Development Corp.**

Agent: **Creating Homes Inc., John Farley**

Location: **5 Gordon Street**

In Attendance: **John Farley**
 Ian Panabaker

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

Mr. J. Farley replied that the sign was posted and the staff comments were received. He explained that originally they proposed to build five live-work units but they are now proposing to convert two of them to commercial units. He further explained that the live-work units will face Gordon Street and the commercial units will face Essex Street. He noted that the adjustment is still in keeping with the live-work element but adds a commercial component.

Committee member B. Birdsell questioned if the change would affect the parking requirements.

Planner M. Witmer replied that staff reviewed the parking regulations and a further variance is not needed. He explained that due to the location of the building, there are more alternatives due to the availability of transit, parking lots and bicycle parking.

The Secretary-Treasurer advised the Committee that, as per the notice, they will provide 53 parking spaces when the required parking is 74.

Mr. J. Farley explained that a supporting document for parking justification is showing car sharing and extensive bike parking in the garage. He further explained that the bicycle storage area condition by Planning Services follows the site plan guidelines but the developer wanted to provide more than required.

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 A. Diamond and seconded by R. Funnell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 6.6.2-Row 5 and Sections 6.6.3.8.1.1, 6.6.3.8.3.2, 6.6.3.8.3.4 and 14.8.2 of Zoning By-law (1995)-14864, as amended, for 5 Gordon Street, to construct a 6 storey apartment building containing 52 apartment units, 3 ‘live/work units’ and three commercial units, and

- a) to permit the building to be located 1.2 metres (3.9 feet) from the south side lot line when the By-law requires a minimum side yard equal to one half of the building height but not less than 3 metres;
- b) to permit the building to be located 2.438 metre (7.99 foot) from the rear lot line when the By-law requires a minimum rear yard of 2.476 metres (8.123 feet);
- c) to permit a total of 53 off-street parking spaces [15 surface spaces and 38 below grade] when the By-law requires 1 parking space for each apartment unit [52 required] and 1 parking space for each ‘live/work’ unit plus 1 parking space for every 37 square metres of floor area for the ‘work’ portion of the ‘live/work’ unit and any commercial spaces [total of 19 spaces required];
- d) to permit an encroachment at elevation 339.68, a projection of 2.9 metres and to permit an encroachment at elevation 338.46, a projection of 6.9 metres when the By-law requires no part of any building or structure constructed within any of the protected view areas defined on Defined Area Map Number 63 exceed the elevation specified for its site construction;
- e) to permit the underground parking garage to be located 0 metres from the lot line when the By-law requires an underground parking area be located a minimum of 3 metres (9.84 feet) of a lot line, and;
- f) to permit 3 ‘live/work units’ on the ground floor of the building when the By-law does not permit ‘live/work’ use,

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 buildings, landscaping, parking, circulation, 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 shall develop the said lands in accordance with the approved site plan.
2. That the owner constructs the building at such an elevation that the building can be serviced with a gravity connection to the sanitary sewer.
3. That prior to site plan approval, the owner shall enter into a new Site Plan Control Agreement with the City, registered on title, satisfactory to the General Manager/City Engineer and the City Solicitor, agreeing to satisfy the above-noted

conditions including the relevant conditions outlined in the existing Site Plan Control Agreement, and to develop the site in accordance with the approved plans.

4. That the proponent installs bicycle parking facilities and a secure bicycle storage area within the proposed building in accordance with the City of Guelph Design Guidelines and Table III of the Site Plan Approval Procedures and Guidelines.
5. That the number of residential units in the proposed development will not exceed 52 residential units.
6. That the number of live/work units in the proposed development will not exceed five (5).
7. That a noise report be submitted to Canadian National Railway for their review and approval to address the potential impacts of railway noise on the indoor environment which would include the facades, central air conditioning in the units, review of ground borne vibration and an environmental easement.”

Carried

The meeting adjourned at 6:50 p.m.

L. McNair
Chair

Minna Bunnett, ACST(A)
Assistant Secretary-Treasurer

Kim Fairfull, ACST
Secretary-Treasurer

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday September 11, 2012 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell
J. Hillen
B. Birdsell
J. Andrews
L. McNair – Chair from 4:08 p.m.
D. Kelly, Vice-Chair

Regrets: A. Diamond

Staff Present: M. Witmer, Planner
K. Fairfull, Secretary-Treasurer
M. Bunnett, Assistant Secretary-Treasurer

Declarations of Pecuniary Interest

Committee member B. Birdsell declared a pecuniary interest for Applications B-35/12 to B-47/12 as the owner is a former client.

Meeting Minutes

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

“THAT the Minutes from the August 14, 2012 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

Other Business

The Secretary-Treasurer advised the Ontario Municipal Board hearing for Application A-79/12 at 103 Lynch Circle, being an appeal of the refusal of the size of an accessory apartment and driveway width variance has been scheduled for Tuesday October 23, 2012 in Room 112, City Hall.

Committee member B. Birdsell, having declared a pecuniary interest for the next applications, left the room.

Application: B-35/12 to B-47/12

Owner: Westminister Woods Ltd. / Guelph Sikh Society

Agent: Smith Valeriote Law Firm LLP, John Valeriote

Location: 410 Clair Street East / Goodwin Drive

In Attendance: John Valeriote

The Secretary-Treasurer advised there was a written request for a partial refund of the application fees. She advised that a sign is not required to be posted for a change of condition.

Mr. Valeriote explained matters are coming together and they are appearing before site plan committee in the next week. He noted additional time is required to complete the proposals.

Application Number B-35/12

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

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

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission or change of condition for consent for severance of Part of Block 175, Registered Plan 61M-143, Goodwin Drive, a parcel with a width of 8 metres and a depth of 2.9 metres, as a lot addition to the property municipally known as 410 Clair Road, East, be approved, subject to the following conditions:

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

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

3. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of

Adjustment along with the administration fee required for endorsement, prior to September 14, 2013.

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."

Carried.

Application Number B-36/12

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

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

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission for change of condition for consent for severance of Part of Lot 10, Concession 8, described as Parts 3 to 10, Reference Plan 61R-10932, a parcel with a width of 73.6 metres and a depth of 29.097 metres, which will consolidate with Parts 11 to 18, Reference Plan 61R-10932, municipally known as 185 to 199 Goodwin Drive, be approved, subject to the following conditions:

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

"The conveyance of (Severed Lands - legal description - Lot and Plan), City of Guelph, County of Wellington, designated as (Part and 61R-Plan Number) as a lot addition

only to (Legal Description of Lands to be joined with - Lot and Plan), and shall not be conveyed as a separate parcel from (Legal Description of Lands to be joined with - Lot and Plan)."

3. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to September 14, 2013.
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."

Carried

Application Number B-37/12

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

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

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission or change of condition for consent for severance of Part of Lot 10, Concession 8, being part of the lands associated with the property municipally known as 410 Clair Road, East, a parcel with a width of 34.5 metres and a depth of 29 metres, as a lot addition to a parcel fronting on Goodwin Drive (Parts 19 and 20, Reference Plan 61R-10932), be approved, subject to the following conditions:

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

"The conveyance of (Severed Lands - legal description - Lot and Plan), City of Guelph, County of Wellington, designated as (Part and 61R-Plan Number) as a lot addition only to (Legal Description of Lands to be joined with - Lot and Plan), and shall not be conveyed as a separate parcel from (Legal Description of Lands to be joined with - Lot and Plan)."
3. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to September 14, 2013.
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."

Carried.

Application Number B-38/12

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

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

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission for change of condition for severance of Part of Lot 10, Concession 8 and Part of Block 172, Registered Plan 61M-143, being Parts 4 and 12, Reference Plan 61R-10932, to be municipally known as 187 Goodwin Drive, a parcel with a frontage of 9.2 metres and a depth of 32 metres, be approved, subject to the following conditions:

1. That the owner shall construct the new dwellings at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
2. The owner shall pay to the City the actual cost of constructing and installing any service laterals required from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing and installing any service laterals required to service the property.
3. The owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cut and/or curb fills from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing the new driveway accesses and the required curb cuts off Goodwin Drive.
4. That the owner builds on the lots and grades and drains the lots in accordance with a plan that has been submitted to and approved by the City Engineer, prior to the issuance of a building permit.
5. Prior to the issuance of any building permits, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
6. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with 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.
7. That any domestic wells, septic systems and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer.
8. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from

- time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
9. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsation of the deeds, at the rate in effect at the time of the endorsation.
 10. That the owner shall complete a tree conservation and compensation plan for the entire property satisfactory to the General Manager of Planning and Building Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between any proposed building and the single-detached housing lots to the north and west of the site.
 11. That prior to the issuance of a building permit the owner agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the General Manager of Planning and Building Services to compensate for tree removal.
 12. That prior to the endorsation of deeds, the owner pay future costs of the installation of a municipal sidewalk across the frontage of the subject properties on Goodwin Drive.
 13. That prior to site plan approval the owner agrees to plant trees at a minimum tree caliper of 80 mm in size to achieve the buffering between any proposed building and the abutting single detached dwellings to the north and west to the satisfaction of the General Manager of Planning and Building Services.
 14. That the owner acknowledges and agrees that the dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
 15. That prior to the endorsation of the deeds, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
 16. That the owner agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorsation of the deeds for the proposed

lots for detached dwellings, the owner's lawyer shall certify to the General Manager of Planning and Building Services that there are no restrictive covenants which restrict the use of clotheslines.

17. That prior to the endorsation 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. That prior to building or endorsation of the deed, the applicant makes arrangement for the underground hydro servicing to the severed parcels, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
19. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to September 14, 2013.
20. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
21. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
22. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Application Number B-39/12

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

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

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission for change of condition for severance of Part of Lot 10, Concession 8 and Part of Block 172, Registered Plan 61M-143, being Parts 5 and 13, Reference Plan 61R-10932, to be municipally known as 189 Goodwin Drive, a parcel with a frontage of 9.2 metres and a depth of 32 metres, be approved, subject to the following conditions:

1. That the owner shall construct the new dwellings at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
2. The owner shall pay to the City the actual cost of constructing and installing any service laterals required from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing and installing any service laterals required to service the property.
3. The owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cut and/or curb fills from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing the new driveway accesses and the required curb cuts off Goodwin Drive.
4. That the owner builds on the lots and grades and drains the lots in accordance with a plan that has been submitted to and approved by the City Engineer, prior to the issuance of a building permit.
5. Prior to the issuance of any building permits, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
6. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with 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.
7. That any domestic wells, septic systems and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer.
8. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from

- time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
9. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsonation of the deeds, at the rate in effect at the time of the endorsonation.
 10. That the owner shall complete a tree conservation and compensation plan for the entire property satisfactory to the General Manager of Planning and Building Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between any proposed building and the single-detached housing lots to the north and west of the site.
 11. That prior to the issuance of a building permit the owner agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the General Manager of Planning and Building Services to compensate for tree removal.
 12. That prior to the endorsonation of deeds, the owner pay future costs of the installation of a municipal sidewalk across the frontage of the subject properties on Goodwin Drive.
 13. That prior to site plan approval the owner agrees to plant trees at a minimum tree caliper of 80 mm in size to achieve the buffering between any proposed building and the abutting single detached dwellings to the north and west to the satisfaction of the General Manager of Planning and Building Services.
 14. That the owner acknowledges and agrees that the dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
 15. That prior to the endorsonation of the deeds, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
 16. That the owner agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorsonation of the deeds for the proposed

lots for detached dwellings, the owner's lawyer shall certify to the General Manager of Planning and Building Services that there are no restrictive covenants which restrict the use of clotheslines.

17. That prior to the endorsation 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. That prior to building or endorsation of the deed, the applicant makes arrangement for the underground hydro servicing to the severed parcels, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
19. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to September 14, 2013.
20. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
21. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
22. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Application Number B-40/12

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

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

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission for change of condition for severance of Part of Lot 10, Concession 8 and Part of Block 172, Registered Plan 61M-143, being Parts 6 and 14, Reference Plan 61R-10932, to be municipally known as 191 Goodwin Drive, a parcel with a frontage of 9.2 metres and a depth of 32 metres, be approved, subject to the following conditions:

1. That the owner shall construct the new dwellings at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
2. The owner shall pay to the City the actual cost of constructing and installing any service laterals required from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing and installing any service laterals required to service the property.
3. The owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cut and/or curb fills from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing the new driveway accesses and the required curb cuts off Goodwin Drive.
4. That the owner builds on the lots and grades and drains the lots in accordance with a plan that has been submitted to and approved by the City Engineer, prior to the issuance of a building permit.
5. Prior to the issuance of any building permits, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
6. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with 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.
7. That any domestic wells, septic systems and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer.
8. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from

- time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
9. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsation of the deeds, at the rate in effect at the time of the endorsation.
 10. That the owner shall complete a tree conservation and compensation plan for the entire property satisfactory to the General Manager of Planning and Building Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between any proposed building and the single-detached housing lots to the north and west of the site.
 11. That prior to the issuance of a building permit the owner agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the General Manager of Planning and Building Services to compensate for tree removal.
 12. That prior to the endorsation of deeds, the owner pay future costs of the installation of a municipal sidewalk across the frontage of the subject properties on Goodwin Drive.
 13. That prior to site plan approval the owner agrees to plant trees at a minimum tree caliper of 80 mm in size to achieve the buffering between any proposed building and the abutting single detached dwellings to the north and west to the satisfaction of the General Manager of Planning and Building Services.
 14. That the owner acknowledges and agrees that the dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
 15. That prior to the endorsation of the deeds, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
 16. That the owner agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorsation of the deeds for the proposed

lots for detached dwellings, the owner's lawyer shall certify to the General Manager of Planning and Building Services that there are no restrictive covenants which restrict the use of clotheslines.

17. That prior to the endorsation 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. That prior to building or endorsation of the deed, the applicant makes arrangement for the underground hydro servicing to the severed parcels, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
19. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to September 14, 2013.
20. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
21. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
22. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Application Number B-41/12

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

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

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission for change of condition for severance of Part of Lot 10, Concession 8 and Part of Block 172, Registered Plan 61M-143, being Parts 7 and 15, Reference Plan 61R-10932, to be municipally known as 193 Goodwin Drive, a parcel with a frontage of 9.2 metres and a depth of 32 metres, be approved, subject to the following conditions:

1. That the owner shall construct the new dwellings at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
2. The owner shall pay to the City the actual cost of constructing and installing any service laterals required from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing and installing any service laterals required to service the property.
3. The owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cut and/or curb fills from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing the new driveway accesses and the required curb cuts off Goodwin Drive.
4. That the owner builds on the lots and grades and drains the lots in accordance with a plan that has been submitted to and approved by the City Engineer, prior to the issuance of a building permit.
5. Prior to the issuance of any building permits, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
6. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with 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.
7. That any domestic wells, septic systems and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer.
8. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from

- time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
9. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsation of the deeds, at the rate in effect at the time of the endorsation.
 10. That the owner shall complete a tree conservation and compensation plan for the entire property satisfactory to the General Manager of Planning and Building Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between any proposed building and the single-detached housing lots to the north and west of the site.
 11. That prior to the issuance of a building permit the owner agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the General Manager of Planning and Building Services to compensate for tree removal.
 12. That prior to the endorsation of deeds, the owner pay future costs of the installation of a municipal sidewalk across the frontage of the subject properties on Goodwin Drive.
 13. That prior to site plan approval the owner agrees to plant trees at a minimum tree caliper of 80 mm in size to achieve the buffering between any proposed building and the abutting single detached dwellings to the north and west to the satisfaction of the General Manager of Planning and Building Services.
 14. That the owner acknowledges and agrees that the dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
 15. That prior to the endorsation of the deeds, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
 16. That the owner agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorsation of the deeds for the proposed

lots for detached dwellings, the owner's lawyer shall certify to the General Manager of Planning and Building Services that there are no restrictive covenants which restrict the use of clotheslines.

17. That prior to the endorsation 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. That prior to building or endorsation of the deed, the applicant makes arrangement for the underground hydro servicing to the severed parcels, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
19. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to September 14, 2013.
20. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
21. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
22. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Application Number B-42/12

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

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

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission for change of condition for severance of Part of Lot 10, Concession 8 and Part of Block 172, Registered Plan 61M-143, being Parts 8 and 16, Reference Plan 61R-10932, to be municipally known as 195 Goodwin Drive, a parcel with a frontage of 9.2 metres and a depth of 32 metres, be approved, subject to the following conditions:

1. That the owner shall construct the new dwellings at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
2. The owner shall pay to the City the actual cost of constructing and installing any service laterals required from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing and installing any service laterals required to service the property.
3. The owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cut and/or curb fills from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing the new driveway accesses and the required curb cuts off Goodwin Drive.
4. That the owner builds on the lots and grades and drains the lots in accordance with a plan that has been submitted to and approved by the City Engineer, prior to the issuance of a building permit.
5. Prior to the issuance of any building permits, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
6. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with 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.
7. That any domestic wells, septic systems and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer.
8. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from

- time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
9. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsation of the deeds, at the rate in effect at the time of the endorsation.
 10. That the owner shall complete a tree conservation and compensation plan for the entire property satisfactory to the General Manager of Planning and Building Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between any proposed building and the single-detached housing lots to the north and west of the site.
 11. That prior to the issuance of a building permit the owner agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the General Manager of Planning and Building Services to compensate for tree removal.
 12. That prior to the endorsation of deeds, the owner pay future costs of the installation of a municipal sidewalk across the frontage of the subject properties on Goodwin Drive.
 13. That prior to site plan approval the owner agrees to plant trees at a minimum tree caliper of 80 mm in size to achieve the buffering between any proposed building and the abutting single detached dwellings to the north and west to the satisfaction of the General Manager of Planning and Building Services.
 14. That the owner acknowledges and agrees that the dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
 15. That prior to the endorsation of the deeds, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
 16. That the owner agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorsation of the deeds for the proposed

lots for detached dwellings, the owner's lawyer shall certify to the General Manager of Planning and Building Services that there are no restrictive covenants which restrict the use of clotheslines.

17. That prior to the endorsation 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. That prior to building or endorsation of the deed, the applicant makes arrangement for the underground hydro servicing to the severed parcels, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
19. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to September 14, 2013.
20. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
21. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
22. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Application Number B-43/12

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

Moved by R. Funnell seconded by A. Diamond,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission for change of condition for severance of Part of Lot 10, Concession 8 and Part of Block 172, Registered Plan 61M-143, being Parts 9 and 17, Reference Plan 61R-10932, to be municipally known as 197 Goodwin Drive, a parcel with a frontage of 9.2 metres and a depth of 32 metres, be approved, subject to the following conditions:

1. That the owner shall construct the new dwellings at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
2. The owner shall pay to the City the actual cost of constructing and installing any service laterals required from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing and installing any service laterals required to service the property.
3. The owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cut and/or curb fills from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing the new driveway accesses and the required curb cuts off Goodwin Drive.
4. That the owner builds on the lots and grades and drains the lots in accordance with a plan that has been submitted to and approved by the City Engineer, prior to the issuance of a building permit.
5. Prior to the issuance of any building permits, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
6. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with 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.
7. That any domestic wells, septic systems and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer.
8. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from

- time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
9. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsation of the deeds, at the rate in effect at the time of the endorsation.
 10. That the owner shall complete a tree conservation and compensation plan for the entire property satisfactory to the General Manager of Planning and Building Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between any proposed building and the single-detached housing lots to the north and west of the site.
 11. That prior to the issuance of a building permit the owner agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the General Manager of Planning and Building Services to compensate for tree removal.
 12. That prior to the endorsation of deeds, the owner pay future costs of the installation of a municipal sidewalk across the frontage of the subject properties on Goodwin Drive.
 13. That prior to site plan approval the owner agrees to plant trees at a minimum tree caliper of 80 mm in size to achieve the buffering between any proposed building and the abutting single detached dwellings to the north and west to the satisfaction of the General Manager of Planning and Building Services.
 14. That the owner acknowledges and agrees that the dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
 15. That prior to the endorsation of the deeds, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
 16. That the owner agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorsation of the deeds for the proposed

lots for detached dwellings, the owner's lawyer shall certify to the General Manager of Planning and Building Services that there are no restrictive covenants which restrict the use of clotheslines.

17. That prior to the endorsation 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. That prior to building or endorsation of the deed, the applicant makes arrangement for the underground hydro servicing to the severed parcels, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
19. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to September 14, 2013.
20. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
21. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
22. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Application Number B-44/12

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

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

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission for change of condition for severance of Part of Lot 10, Concession 8 and Part of Block 172, Registered Plan 61M-143, being Parts 10 and 18, Reference Plan 61R-10932, to be municipally known as 199 Goodwin Drive, a parcel with a frontage of 9.2 metres and a depth of 32 metres, be approved, subject to the following conditions:

1. That the owner shall construct the new dwellings at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
2. The owner shall pay to the City the actual cost of constructing and installing any service laterals required from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing and installing any service laterals required to service the property.
3. The owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cut and/or curb fills from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing the new driveway accesses and the required curb cuts off Goodwin Drive.
4. That the owner builds on the lots and grades and drains the lots in accordance with a plan that has been submitted to and approved by the City Engineer, prior to the issuance of a building permit.
5. Prior to the issuance of any building permits, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
6. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with 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.
7. That any domestic wells, septic systems and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer.
8. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from

- time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
9. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsation of the deeds, at the rate in effect at the time of the endorsation.
 10. That the owner shall complete a tree conservation and compensation plan for the entire property satisfactory to the General Manager of Planning and Building Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between any proposed building and the single-detached housing lots to the north and west of the site.
 11. That prior to the issuance of a building permit the owner agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the General Manager of Planning and Building Services to compensate for tree removal.
 12. That prior to the endorsation of deeds, the owner pay future costs of the installation of a municipal sidewalk across the frontage of the subject properties on Goodwin Drive.
 13. That prior to site plan approval the owner agrees to plant trees at a minimum tree caliper of 80 mm in size to achieve the buffering between any proposed building and the abutting single detached dwellings to the north and west to the satisfaction of the General Manager of Planning and Building Services.
 14. That the owner acknowledges and agrees that the dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
 15. That prior to the endorsation of the deeds, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
 16. That the owner agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorsation of the deeds for the proposed

lots for detached dwellings, the owner's lawyer shall certify to the General Manager of Planning and Building Services that there are no restrictive covenants which restrict the use of clotheslines.

17. That prior to the endorsation 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. That prior to building or endorsation of the deed, the applicant makes arrangement for the underground hydro servicing to the severed parcels, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
19. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to September 14, 2013.
20. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
21. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
22. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Application Number B-45/12

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

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

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission for change of condition for consent for severance of Part of Block 175, Registered Plan 61M-143 and Part of Lot 10, Concession 8, to be known municipally as 201 Goodwin Drive, a parcel with a frontage along Goodwin Drive of 11 metres and a depth of 32 metres, be approved, subject to the following conditions:

1. That the owner shall construct the new dwellings at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
2. The owner shall pay to the City the actual cost of constructing and installing any service laterals required from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing and installing any service laterals required to service the property.
3. The owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cut and/or curb fills from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing the new driveway accesses and the required curb cuts off Goodwin Drive.
4. That the owner builds on the lots and grades and drains the lots in accordance with a plan that has been submitted to and approved by the City Engineer, prior to the issuance of a building permit.
5. Prior to the issuance of any building permits, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
6. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with 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.
7. That any domestic wells, septic systems and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer.
8. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from

- time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
9. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsation of the deeds, at the rate in effect at the time of the endorsation.
 10. That the owner shall complete a tree conservation and compensation plan for the entire property satisfactory to the General Manager of Planning and Building Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between any proposed building and the single-detached housing lots to the north and west of the site.
 11. That prior to the issuance of a building permit the owner agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the General Manager of Planning and Building Services to compensate for tree removal.
 12. That prior to the endorsation of deeds, the owner pay future costs of the installation of a municipal sidewalk across the frontage of the subject properties on Goodwin Drive.
 13. That prior to site plan approval the owner agrees to plant trees at a minimum tree caliper of 80 mm in size to achieve the buffering between any proposed building and the abutting single detached dwellings to the north and west to the satisfaction of the General Manager of Planning and Building Services.
 14. That the owner acknowledges and agrees that the dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
 15. That prior to the endorsation of the deeds, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
 16. That the owner agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorsation of the deeds for the proposed

lots for detached dwellings, the owner's lawyer shall certify to the General Manager of Planning and Building Services that there are no restrictive covenants which restrict the use of clotheslines.

17. The owner shall carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal, adverse impacts to any significant archaeological resources found. No demolition, grading or any soil disturbances shall take place on the subject property, prior to the issuance of a letter from the Ministry of Citizenship, Culture and Recreation to the City indicating that all archaeological assessment and/or mitigation activities undertaken have met licensing and resource conservation requirements.
18. That prior to the endorsation 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.
19. That prior to building or endorsation of the deed, the applicant makes arrangement for the underground hydro servicing to the severed parcels, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
20. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to September 14, 2013.
21. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
22. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
23. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Application Number B-46/12

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

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

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission for change of condition for consent for severance of Part of Block 175, Registered Plan 61M-143 and Part of Lot 10, Concession 8, to be known municipally as 203 Goodwin Drive, a parcel with a frontage along Goodwin Drive of 11 metres and a depth of 32 metres, be approved, subject to the following conditions:

1. That the owner shall construct the new dwellings at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
2. The owner shall pay to the City the actual cost of constructing and installing any service laterals required from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing and installing any service laterals required to service the property.
3. The owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cut and/or curb fills from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing the new driveway accesses and the required curb cuts off Goodwin Drive.
4. That the owner builds on the lots and grades and drains the lots in accordance with a plan that has been submitted to and approved by the City Engineer, prior to the issuance of a building permit.
5. Prior to the issuance of any building permits, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
6. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with 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.

7. That any domestic wells, septic systems and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer.
8. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
9. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsonation of the deeds, at the rate in effect at the time of the endorsonation.
10. That the owner shall complete a tree conservation and compensation plan for the entire property satisfactory to the General Manager of Planning and Building Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between any proposed building and the single-detached housing lots to the north and west of the site.
11. That prior to the issuance of a building permit the owner agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the General Manager of Planning and Building Services to compensate for tree removal.
12. That prior to the endorsonation of deeds, the owner pay future costs of the installation of a municipal sidewalk across the frontage of the subject properties on Goodwin Drive.
13. That prior to site plan approval the owner agrees to plant trees at a minimum tree caliper of 80 mm in size to achieve the buffering between any proposed building and the abutting single detached dwellings to the north and west to the satisfaction of the General Manager of Planning and Building Services.
14. That the owner acknowledges and agrees that the dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.

15. That prior to the endorsation of the deeds, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
16. That the owner agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorsation of the deeds for the proposed lots for detached dwellings, the owner's lawyer shall certify to the General Manager of Planning and Building Services that there are no restrictive covenants which restrict the use of clotheslines.
17. The owner shall carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal, adverse impacts to any significant archaeological resources found. No demolition, grading or any soil disturbances shall take place on the subject property, prior to the issuance of a letter from the Ministry of Citizenship, Culture and Recreation to the City indicating that all archaeological assessment and/or mitigation activities undertaken have met licensing and resource conservation requirements.
18. That prior to the endorsation 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.
19. That prior to building or endorsation of the deed, the applicant makes arrangement for the underground hydro servicing to the severed parcels, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
20. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to September 14, 2013.
21. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
22. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.

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

Carried.

Application Number B-47/12

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

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

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission for change of condition for consent for severance of Part of Block 175, Registered Plan 61M-143 and Part of Lot 10, Concession 8, to be known municipally as 205 Goodwin Drive, a parcel with a frontage along Goodwin Drive of 11 metres and a depth of 32 metres, be approved, subject to the following conditions:

1. That the owner shall construct the new dwellings at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
2. The owner shall pay to the City the actual cost of constructing and installing any service laterals required from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing and installing any service laterals required to service the property.
3. The owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cut and/or curb fills from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing the new driveway accesses and the required curb cuts off Goodwin Drive.
4. That the owner builds on the lots and grades and drains the lots in accordance with a plan that has been submitted to and approved by the City Engineer, prior to the issuance of a building permit.

5. Prior to the issuance of any building permits, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
6. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with 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.
7. That any domestic wells, septic systems and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer.
8. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
9. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsation of the deeds, at the rate in effect at the time of the endorsation.
10. That the owner shall complete a tree conservation and compensation plan for the entire property satisfactory to the General Manager of Planning and Building Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between any proposed building and the single-detached housing lots to the north and west of the site.
11. That prior to the issuance of a building permit the owner agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the General Manager of Planning and Building Services to compensate for tree removal.
12. That prior to the endorsation of deeds, the owner pay future costs of the installation of a municipal sidewalk across the frontage of the subject properties on Goodwin Drive.

13. That prior to site plan approval the owner agrees to plant trees at a minimum tree caliper of 80 mm in size to achieve the buffering between any proposed building and the abutting single detached dwellings to the north and west to the satisfaction of the General Manager of Planning and Building Services.
14. That the owner acknowledges and agrees that the dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
15. That prior to the endorsation of the deeds, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
16. That the owner agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorsation of the deeds for the proposed lots for detached dwellings, the owner's lawyer shall certify to the General Manager of Planning and Building Services that there are no restrictive covenants which restrict the use of clotheslines.
17. The owner shall carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal, adverse impacts to any significant archaeological resources found. No demolition, grading or any soil disturbances shall take place on the subject property, prior to the issuance of a letter from the Ministry of Citizenship, Culture and Recreation to the City indicating that all archaeological assessment and/or mitigation activities undertaken have met licensing and resource conservation requirements.
18. That prior to the endorsation 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.
19. That prior to building or endorsation of the deed, the applicant makes arrangement for the underground hydro servicing to the severed parcels, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
20. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to September 14, 2013.

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

Carried.

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

"THAT an application fee of \$1,000.00 be payable for Applications B-35/12 to B-47/12 resulting in an application fee refund of \$7,736.00"

Carried.

Committee member B. Birdsell was summoned back to the room.
Chair L. McNair arrived at 4:08 pm

Application: **A-100/12**

Owner: **GPM Investment Management**

Agent: **Astrid J. Clos Planning Consultants, Astrid Clos**

Location: **600 Southgate Drive**

In Attendance: **Astrid J. Clos**

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

Ms. A. Clos replied that the sign was posted and staff comments were received. She explained that they are not proposing any physical changes to the property but are recognizing uses that have been on the site for some time. She noted that the variance request is to permit an office use with another use which then creates an industrial mall.

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. Kelly and seconded by J. Andrews,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Sections 7.1.1 and 7.1.1.1 of Zoning By-law (1995)-14864, as amended, for 600 Southgate Drive, to permit a two unit industrial mall with a 8,134.5 square metre warehouse and a 1,498.86 square metre office when the By-law does not permit an industrial mall (2 units or more) or an office use, be approved.”

Carried

Application:	A-101/12
Owner:	City of Guelph
Agent:	City of Guelph, Samantha Jansen
Location:	705 Woolwich Street (Riverside Park)
In Attendance:	Mario Petricevic Samantha Jansen

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

Ms. Jansen replied that the sign was posted and the staff comments were received. She explained that they are replacing an existing storage building which is higher than the proposed new accessory building. She further explained that the height is required for the storage of very large equipment. She commented that the new structure will be located within the existing operation storage area.

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

Moved by B. Birdsell and seconded by J. Hillen,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.5.2.2 of Zoning By-law (1995)-14864, as amended, for 705 Woolwich Street, to permit an accessory building with a height of 5.9 metres (19.5 feet), measured at the mid-point between the eave and the ridge, when the By-law requires that the maximum height for an accessory structure by 4.5 metres (14.76 feet), be approved.”

Carried

Application: A-99/12

Owner: Bhupinder Singh and Parmjit Grewal

Agent: n/a

Location: 29 Hewitt Lane

In Attendance: Bhupinder Singh
Parmjit Grewal

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

Ms. Grewal replied that the sign was posted and the staff comments were received. She explained that they purchased the house last July and the driveway was done and the basement was finished at that time. She further explained that they tried to register the basement apartment but are not able to due to the driveway regulation. She noted that they were not aware at the time of purchase that the apartment was not registered with the City.

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

Moved by J. Andrews and seconded by D. Kelly,

“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 5.2.2 Row 15 of Zoning By-law (1995)-14864, as amended, for 29 Hewitt Lane, to permit the driveway to occupy 70.25% of the front yard resulting in a driveway width of 5 metres (16.4 feet) when the By-law requires that the driveway shall not constitute more than 40% of the front yard which constitutes 2.84 metres (9.31 feet), be refused.

Reasons for refusal being:

1. The variance request is not minor in nature,
2. The variance request does not meet the intent of the By-law,
3. The variance request would create a negative impact on the neighbourhood.”

Carried

The meeting adjourned at 4:36 p.m.

L. McNair
Chair

Minna Bunnett, ACST(A)
Assistant Secretary-Treasurer

Kim Fairfull, ACST
Secretary-Treasurer

Committee of Adjustment
Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday October 9, 2012 with the following members present:

R. Funnell, Chair (from 4:00 p.m. to 4:30 p.m.)
L. McNair, Chair (from 4:30 p.m.)
A. Diamond
J. Hillen
B. Birdsell
J. Andrews (from 4:10 p.m.)

Regrets: D. Kelly

Staff Present: M. Witmer, Planner
T. Spears, Planner
K. Fairfull, Secretary-Treasurer

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Approval of Minutes from Last Meeting

Moved by B. Birdsell and seconded by J. Hillen,

“THAT the Minutes from the September 11, 2012 Regular Meeting of the Committee of Adjustment, be approved, as printed and circulated.”

Carried.

Other Business

The Secretary-Treasurer explained the appeal from the owner of 106 Clough Crescent; being Application A-15/12 was withdrawn on October 2, 2012 therefore the decision of refusal is now final. She noted inspection staff has been notified of the decision.

The Secretary-Treasurer explained the decision was received from the Ontario Municipal Board granting the appeal for Application A-13/11 at 387 Ironwood Road. She advised all variances requested were approved by the Ontario Municipal Board.

Application: B-50/23

Applicant: Coldpoint Properties Ltd.

Agent: A. Bruce Donaldson

Location: **1 and 25 Wilbert Street**

In Attendance: **A. Bruce Donaldson**

Chair R. Funnell questioned if the signs had been posted in accordance with Planning Act requirements. Mr. Donaldson replied the notice sign was posted and staff comments were received. He explained the owner has an offer to purchase on the property at the corner of Wilbert Street and Elmira Road. He explained the property comprises 3 acres and the purchaser would like an additional acre. Committee member A. Diamond questioned the use of the proposed lot.

Planner M. Witmer explained the property had SC zoning. He read the uses permitted in this zone.

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

Moved by B. Birdsell and seconded by A. Diamond,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Block 8, Registered Plan 61M-126, 25 Wilbert Street, a parcel with a frontage along Wilbert Street of 33.558 metres and a depth of 120.593 metres, as a lot addition to the abutting parcel municipally known as 1 Wilbert Street, be approved, subject to the following conditions:

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

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

3. 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 buildings, landscaping, parking, circulation, 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 shall develop the said lands in accordance with the approved site plan.
4. That the conditions outlined in the Subdivision Agreement registered on title as Instrument Number WC113734 also be implemented.

5. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to October 12, 2013.
6. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
7. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
8. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Committee member J. Andrews arrived at the meeting at 4:10 p.m. He had no declarations of pecuniary interest.

Application: **A-103/12**

Applicant: **Tom Pritchard**

Agent: **Tom Pritchard**

Location: **26 Heritage Drive**

In Attendance: **Tom Pritchard**

Chair R. Funnell questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Pritchard replied the notice sign was posted and comments were received from staff. He explained he constructed a fence which included the partial structure for the pergola and proposes to construct a hot tub which would be located under the pergola.

Committee member J. Hillen questioned if the location of the fence was measured from the sidewalk or from the survey plan for the dwelling.

Planner M. Witmer noted Engineering staff confirmed the measurements on site to confirm the encroachment.

Mr. Pritchard noted he had the fence installed by a company and they have agreed to move the fence.

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

Moved by J. Andrews and seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, cP13, as amended, variances from the requirements of Sections 4.5.5.3 and 4.5.1.2 of Zoning By-law (1995)-14864, as amended, for 26 Heritage Drive, to permit a hot tub to be located 0.6 metres (1.96 feet) from the rear and left side lot line when the By-law requires hot tubs be located a minimum of 1.5 metres (4.92 feet) from any lot line and to permit an existing pergola to be located 0 metres from the rear and left side yard property lines when the w requires accessory structures be located a minimum of 0.6 metres (1.96 feet) from any lot line, be approved, subject to the following condition:

1. That prior to the issuance of a building permit, the owner shall remove and relocate the portion of the wood fence that encroaches on the City road allowance and reinstalls the fence onto the property line to the satisfaction of the General Manager/City Engineer.”

Carried.

Application: **A-106/12**

Applicant: **University of Guelph/Fionn MacCools**

Agent: **Astrid Clos**

Location: **492-502 Edinburgh Road, South**

In Attendance: **Astrid Clos**
 Jerry Auger

Chair R. Funnell questioned if the signs had been posted in accordance with Planning Act requirements.

Ms. Clos replied he notice signs were posted and comments were received from staff. She noted the approved site plan was circulated with the public notice. She noted the property owner re-lined the parking area to comply with the approved site plan, which caused distress to the Metro staff who had received complaints accessible parking was removed. She explained accessible parking is still being provided on site however the customers prefer parking at the front of the store which resulted in the loss of two additional parking spaces.

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 A. Diamond and seconded by J. Hillen,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990 C.p13, as amended, for 492-502 Edinburgh Road, South, to expand the patio area for Fionn MacCools (additional 40 seats) which will be located 1.5 metres from a parking space when the By-law requires a minimum clearance of 3 metres between an outdoor patio and a parking space and to permit a total of 516 off-street parking spaces when the By-law requires a total of 519 off-street parking spaces be provided on site, be approved, subject to the following conditions:

1. That the Owner develops the property in accordance with the approved redlined site plan, prior to July 31, 2013.
2. That prior to the use of the patio, the applicant shall provide a certification from a Professional Engineer, which states that adequate safety features have been constructed to prevent vehicles from leaving the parking space, parking aisle or driveway and hitting any person or persons on the patio.”

Carried.

Application: A-102/12

Applicant: Rob and Tammy Conley

Agent: Rob Conley

Location: 1 Parkview Crescent

In Attendance: Rob and Tammy Conley

Chair R. Funnell questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Conley replied the notice signs were posted and comments were received from staff. He noted they met with municipal staff to register an accessory apartment and was advised the off-street parking area which has existed since the house was constructed did not comply with By-law requirements. He noted their home does not contain an attached garage and the three off-street parking spaces required are located in the exterior side yard. He explained a fence and mature tree would have to be removed to provide the parking area in the rear yard area. He noted staff has requested the driveway width be minimized to a width of 7.5 metres and they are in agreement with the recommendation as they plan to pave their driveway.

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

Moved by B. Birdsell and seconded by J. Andrews,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P23 as amended, variances from Section 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 1 Parkview Crescent, to maintain the existing driveway from Fairmeadow Drive to accommodate the three required off-street parking spaces when the By-law requires the legal off-street parking space be located 6 metres from the street line and to the rear of the front wall of the main building, with a maximum width of 7.5 metres, be approved,

and a variance from Section and 4.13.7.2ii) of Zoning By-law (1995)-14864, as amended, to permit a driveway width of 8.84 metres when the By-law requires the driveway have a maximum width of 7.5 metres, be refused.”

Carried.

Chair L. McNair arrived at the meeting at 4:30 p.m. He had no declarations of pecuniary interest.

Application: **A-104/12**
Applicant: **Kathryn Constantopoulos/Edward Gal**
Agent: **Kathryn Constantopoulos**
Location: **75 Martin Avenue**
In Attendance: **Kathryn Constantopoulos**

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. Constantopoulos replied the notice sign was posted and comments received from staff. She explained they recently purchased the house and have two small children. She explained when they enter driveway they cannot open their car doors due to the width of the driveway and the location of the retaining walls. She explained they propose to widen their driveway and construct an entrance stair to an enclosed porch to improve the functionality. She noted they currently park on Fairview Boulevard due to the width of the driveway. She noted she reviewed the comments from staff and advised they were willing to apply for an encroachment agreement.

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,

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

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

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7 – Row 2 of Zoning By-law (1995)-14864, as amended, for 75 Martin Avenue, to construct a porch, stairs and retaining wall in the Martin Avenue setback area which would be located 0 metres from the Martin Avenue lot line [and project 2.24 metres into the municipal right-of-way] when the By-law requires that an uncovered porch above 1.2 metres be situate a minimum of 0.8 metres from any lot line, be refused.”

Reasons for refusal being: -

1. The variance is not minor in nature when considering the amount of encroachment on the City’s road allowance to support the extension.”

Carried.

Application: A-105/12
Applicant: Joan Flaherty
Agent: Joan Flaherty
Location: 195 Paisley Street
In Attendance: Joan Flaherty

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. Flaherty replied the notice sign was posted and comments were received from staff. She explained they wish to construct a dormer addition to the rear of her house on the upper level.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by J. Andrews and seconded by A. Diamond,

“THAT in the matter of an application under Section 45(2)(a)(i) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to extend the legal non-conforming use for 195 Paisley Street, to construct a 3 metre by 4.3 metre (10 foot by 14 foot) dormer addition on the second floor which will be constructed in line with the existing building wall, 6.4 metres (21 feet) from the left side property line, be approved.”

Carried.

Applications: B-48/12 and B-49/12
Applicant: Guelph Watson 5-3 Inc./Guelph Grangehill Developments Limited

Agent: Keith MacKinnon; KLM Planning Partners Inc.

Location: Starwood Drive and Fleming Road

In Attendance: Keith MacKinnon

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. MacKinnon replied the notice signs were posted and comments were received from staff. He explained both owners have current development applications and the land exchange will provide the opportunity to equal ownership of a future road allowance.

Application B-48/12

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

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

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Block 46, Registered Plan 61M-85, Frasson Drive, a parcel with an area of 411 square metres, as a lot addition to 115 Fleming Road, be approved, subject to the following conditions:

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

"The conveyance of **(Severed Lands - legal description - Lot and Plan)**, City of Guelph, County of Wellington, designated as **(Part and 61R-Plan Number)** as a lot addition only to **(Legal Description of Lands to be joined with - Lot and Plan)**, and shall not be conveyed as a separate parcel from **(Legal Description of Lands to be joined with - Lot and Plan)**."
3. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to October 13, 2013.
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."

Carried.

Application B-49/12

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

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

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 5, Concession 3, Division 'C', being Part 18, Reference Plan 61R-7989, 11 Starwood Drive, a parcel with an area of 1,202 square metres, as a lot addition to 115 Fleming Road, be approved, subject to the following conditions:

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

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

3. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to October 13, 2013.
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.”

Carried.

Application: A-107/12

Applicant: Guelph Campus Co-operative

Agent: Lloyd Grinham

Location: 1 Hales Crescent

**In Attendance: Lloyd Grinham
Tom Klein Beernink
John Gruzleski
Anton Meiering
John Campbell
Winn Halina
Gerry Hyde
Roy Allingham
Joanne and Stewart Schinbein
John Romeo**

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Grinham replied the notice signs were posted and comments were received from staff and neighbours. He explained they applied for a rezoning application in 1999 which was appealed to the Ontario Municipal Board. He noted the Ontario Municipal Board approved a 40 unit, 150 bed development and they only plan on constructing 18 residential units with 72 beds comprising Phase 1 of redevelopment of the site. He explained the particulars involve in Phase 2 of the project which will encompass underground parking and amenity area for the entire development. He noted the majority of the parking required for the site (29) is related to the commercial component, which eventually will be removed. He explained the aspects proposed for the development comprising Phase 2 when the underground parking will be more financially feasible.

Committee member R. Funnell expressed concerns about the private amenity area being provided.

Mr. Grinham explained the requirements for private amenity area for a stacked townhouse is 10 square metres and they are able to provide 8 square metres. He noted more amenity area can be provided when Phase 2 is complete.

Committee member A. Diamond questioned if the units will be rented by families or individual students.

Mr. Grinham replied each unit contains 4 bedrooms which will be rented to individual students.

Mr. Gruzleski requested the Committee defer the application to address the concerns expressed by the Ontario University Residents Association. He expressed further concern the liaison committee had not been established which was a recommendation from the Ontario Municipal Board.

Mr. Romeo expressed concerns about the density of the project and the impact on parking.

Anton Meiering expressed many concerns in the neighbourhood resulting from student housing.

Mr. Grinham explained staff has been reviewing this proposal for 1 year and the concerns expressed by neighbours related to storm water management and parking have been addressed. He noted the density of the development is less than what was approved by the Ontario Municipal Board. He noted when the site plan is near finalization staff has committed to inviting the liaison committee to review the plans.

Committee member R. Funnell questioned if the amenity area and landscaped open space could be accommodated to comply with the By-law.

Mr. Grinham replied it would result in the projecting being scaled down and not be feasible financially.

Chair L. McNair questioned if the variances requested could be applied to Phase I only.

Mr. Grinham replied they would have no objection to this recommendation.

Mr. Hyde questioned when the anticipated construction will comments.

Mr. Grinham replied they anticipate completion August 2013 with occupancy September 2013 school year.

Mr. Hyde questioned the purchase of the breezeway between the units as students currently use the residential properties as a short cut.

Mr. Grinham replied the breezeway will be utilized for rain water harvesting under and will be a controlled access for the residents only as it will contain their mail boxes.

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

Moved by J. Hillen and seconded by J. Andrews,

“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, 5.3.2.5 and Table 5.3.2-Row 13 of Zoning By-law (1995)-14864, as amended, for 1 Hales Crescent, to construct 18 new residential units fronting on Hales Crescent and Moore Avenue requiring variances,

- a) to permit the private amenity area to be internalized in the building on a rear balcony with a total area of 8 square metres when the By-law requires a minimum private amenity area for each unit with a minimum area of 20 square metres;
- b) to permit a minimum landscaped open space equal to 32.46% of the lot area when the By-law requires a minimum landscaped open space equal to 40% of the lot area, and
- c) to permit 60 off-street parking spaces on the site when the By-law requires a total of 61 off-street parking spaces,

be approved, subject to the following condition:

- 1. That the owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, fencing, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the lands to the satisfaction of the General Manager of Planning and Building Services and General Manager/City Engineer, prior to the issuance of a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.
- 2. That the variances apply to the Phase 1 of the project only, comprising 18 residential units comprising a total of 72 beds.

Reasons for approval being: -

- 1. The reduction in the private amenity area for stacked townhouses is considered to be minor in nature.
- 2. The variance for the landscaped open space results in a 7% reduction because of the existing commercial building on the site which will eventually be demolished.
- 3. The reduction of 1 required off-street parking space is appropriate for development of the property."

Carried.

The Secretary-Treasurer took down email addresses for those parties interested in attending viewing of the site plan. She assured the neighbours she would pass this information to the Site Plan Co-ordinator.

The meeting adjourned at 7:00 p.m.

L. McNair,
Chair

K. E. Fairfull, ASCT
Secretary-Treasurer

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday November 13, 2012 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell
J. Hillen
B. Birdsell
J. Andrews (until 5:30 p.m.)
A. Diamond
L. McNair – Chair
D. Kelly, Vice-Chair

Staff Present: M. Witmer, Planner
T. Spears, Planner
K. Fairfull, Secretary-Treasurer
M. Bunnett, Assistant Secretary-Treasurer

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Meeting Minutes

Moved by R. Funnell and seconded by A. Diamond,

“THAT the Minutes from the October 9, 2012 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

Other Business

The Secretary-Treasurer explained the decision was received from the Ontario Municipal Board dismissing the appeal for Application A-53/12 at 17 Tolton Drive. She advised the application was to allow a second driveway was refused by the Committee and appealed by the applicant. She noted the Ontario Municipal Board dismissed the appeal and upheld the Committee's decision.

The Secretary-Treasurer advised she is appearing at the Planning, Building, Engineering and Environment Committee on November 19, 2012 as a staff resource if there are any questions from the Committee on the member to replace J. Andrews.

The Secretary-Treasurer distributed the meeting dates for 2013.

Application: **A-110/12**

Owner: **2058665 Ontario Inc.**

Agent: **Nai Park Capital**

Location: **21 Malcolm Road**

In Attendance: **Dean Froome**
 Don Froome

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

Mr. Froome replied the notice sign was posted and comments received. Mr. Froome explained they wish to expand their business in Guelph and want to secure a larger building for warehouse space and to house the large machinery. He requested clarification on the recommendations requiring site plan approval.

Planner M. Witmer noted there are minor issues with the site plan and they should be resolved with the submission of an as-built site plan. He questioned if they had his contact information and he will assist them with contacting site plan staff.

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

Moved by J. Andrews and seconded by D. Kelly,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Sections 7.3.4.8.1 and 7.1.3 of Zoning By-law (1995)-14864, as amended, for 21 Malcolm Road, to permit a print shop in a freestanding building when the By-law permits a print shop use only within a mall (two or more units), be approved, subject to the following conditions:

1. The owner submits an as-built site plan and receives approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of existing buildings, landscaping, parking, circulation, access, lighting, grading and drainage, servicing, to the satisfaction of the General Manager of Planning and Building Services, prior to the issuance of a building permit for a print shop in a free standing building or prior to occupying any space in the building; and,
2. That the owner shall develop the property in accordance with the approved as-built plans, within one hundred and twenty (120) days of site plan approval.”

Carried

Application: B-52/12

Owner: University of Guelph

Agent: Miller Thomson LLP, Scott Galajda

Location: 160 Chancellors Way

In Attendance: Scott Galajda

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

Mr. Galajda replied the notice sign was posted and comments were received from staff. He noted he is the agent for the University of Guelph who is the owner of the land who wishes to grant a 49 year lease to the Health Unit.

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

Moved by R. Funnell and seconded by A. Diamond,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for long term lease for Part Lot 8, Concession 3, Division ‘G’, being Parts 2, 3, 4, 5, 6 7, 12, 37, 38, 39 and 40 on Reference Plan 61R-11937, to be known municipally as 160 Chancellors Way, to permit a lease for 49 years for a 4180.6 square metre building for Wellington-Dufferin-Guelph Public Health Unit, be approved, subject to the following conditions:

1. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to November 16, 2013.
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."

Carried

Application: **A-108/12**

Owner: **Oakwood Retirement Communities Inc.**

Agent: **Wellings Planning Consultants Inc.; Glenn J. Wellings**

Location: **60 Woodlawn Road East**

In Attendance: **Nancy Frieday**
 Paul Brown

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

Ms. Frieday noted Planning staff has requested deferral of the application to better understand the use of the medical office in the building. He noted they are pleased to defer the application and provide the information to staff.

Moved by J. Andrews and seconded by D. Kelly,

“THAT Application A-108/12 for Oakwood Retirement Communities Inc. at 60 Woodlawn Road East, be deferred sinedie, to allow staff and the applicant to have more time to refine terminology in the application and better understand the nature of the requested variance and in accordance with the Committee’s policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

Application: **A-111/12**

Owner: **Charlane Stecjuk**

Agent: **n/a**

Location: **28 Devere Drive**

In Attendance: **Charlane Stecjuk**
 Bill Frisbee
 Ann Frisbee
 Christine Orme
 Malcolm Orme
 Paul Ksenych
 Edward Scappatura
 Josee Ottenbrite

The Assistant Secretary-Treasurer advised that a lengthy email has been received in response to the staff comments; a copy has been given to Committee members for review. She also advised that an email was received from residents at 27 Devere Drive objecting the application and another email was received supporting the application.

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

Ms. Stecjuk replied that the sign was posted and the staff comments were received. She explained that she owns Gentle Dental Hygiene Services and she is the sole proprietor with no employees. She noted that she bought the house in 2006 with the intent of opening a home business in an office on the main floor which would occupy less than 10% of the gross floor area. She explained that she does not consider herself being a medical practitioner but a health care provider. She advised the committee of her credentials. She also advised that in 2007 a regulation was passed that dental hygienists can operate from home. She commented that she sees approximately 5 to 7 patients per week for one hour at a time. She also commented that

she feels she would not be able to support herself by operating from outside of her home. She explained that she has posted a notice in her office regarding parking and respecting the neighbour's ability to enter and leave their driveways without obstruction. She advised the Committee that she has contacted contractors to widen her driveway which will be done next spring. She commented that she is also very busy with different volunteer work which will cause more parking of vehicles on the street.

Committee member J. Hillen questioned whether she has a secretary or other employees.

Ms. Stecjuk replied that she does not have any employees.

Committee member D. Kelly commented that it appears staff is considering a dental hygienist to be a medical practitioner.

Planner M. Witmer replied that staff has concluded that a dental hygienist is considered to be a medical practitioner.

Committee member D. Kelly further questioned staff on how the property owner realized a minor variance application was necessary.

Planner M. Witmer replied that after a complaint was received regarding a home business, the City zoning inspector contacted him with the details. He explained that they consulted the owner with the options of either applying for a minor variance or to discontinue the use. He further explained that once the extra parking space is accommodated, the variance can be considered as minor. He commented that external signage has been utilized but the signs have since been removed.

Committee member D. Kelly noted that one of the letters from residents referenced to a co-worker and to some parking issues they had to deal with.

Ms. Stecjuk commented that she does not have any employees.

Committee member A. Diamond commented that since the provincial government changed the rules in 2007, she has a concern the Committee might face similar applications in the future.

Ms. Stecjuk commented that she considers her practise being similar in nature as a physiotherapist.

Committee member D. Kelly commented that in her opinion, the by-law should be changed and made explicit; it should not be up to the Committee to decide what is medical and what is not.

Committee member B. Birdsell commented that if the Committee chooses to approve the variance, they are permitting a single use type with a single practitioner for a specific location. He further commented that the Committee is not precedent setting.

Chair L. McNair questioned whether the applicant will be taking x-rays in her home office.

Ms. Stecjuk replied that she does not take any x-rays.

Mr. Ksenych, a resident at 23 Devere Drive, read through a letter he previously submitted. He felt that parking is an issue. He continued by stating that he has witnessed several vehicles being parked in front of 28 Devere Drive for several hours at a time. He noted that he is objecting to the application.

Ms. Orme, a resident at 21 Devere Drive, explained that the neighbours assumed that City Hall was aware of the home business. She commented on letters in support of the application by questioning if a distant neighbour would be affected by the home occupation. She expressed some concern on possible other dental hygienists operating in the City without approvals. She continued by quoting the College of Dental Hygienists website which lists what a dental hygienist is able to do. She further noted that the equipment being used should be very similar to a dentist or a medical doctor. She quoted the definition given in the Zoning By-law for a medical office and felt the term could be easily applied to the facility the dental hygienist is operating from. She encouraged the Planning and Zoning staff to further investigate the application and hoped to prevent a precedent setting case.

Committee member J. Hillen questioned if her concern is for the medical office or the parking.

Ms. Orme replied that the parking is a problem especially when the garage is not being used for parking. She continued by explaining that the medical part is a bigger concern because doctors and dentist are not allowed to have medical offices in their homes. She felt the terminology is causing the confusion.

Mr. Frisbee, resident at 26 Devere Drive, explained that he is concerned with the medical aspect of the application. He commented that City staff has not provided a list of reasons why medical and dental offices are not permitted in Guelph homes and in the province. He wondered what demands the exclusion and what the intent of the By-law is. He noted that he would be interested in seeing the minutes of a Planning Staff meeting where the reasons for excluding medical offices are discussed. He commented that if other dental hygienists are currently operating as a home business in Guelph, are they legal and will they set a precedent, subjecting this application to an unnecessary hearing. He further commented that perhaps the current Zoning By-law needs to be changed; the definition for "related medical service" should be re-considered.

Committee member A. Diamond questioned whether the applicant would generate any biohazard waste.

Ms. Stecjuk replied that she does not generate enough to be considered as hazardous. She noted that she does not use needles and does not do local anaesthetic.

Committee member J. Andrews questioned whether the applicant could be able to do more under a dental supervision, such as x-rays.

Ms. Stecjuk replied that is correct. She commented that if she would be considered a medical practitioner, she would have to be a qualified dentist or a qualified doctor.

Planner M. Witmer commented that Planning Services has therefore a condition of limiting the operation to a licensed dental hygienist only.

Chair L. McNair questioned staff, in the medical field, who would be considered to be a medical practitioner and whether a chiropractor is a permitted home occupation.

Planner M. Witmer replied that a physician or a doctor is a medical practitioner. He further replied that a chiropractor is considered to be a medical practitioner, as well as an optician.

Committee member A. Diamond commented that the Committee should focus on the impact on a local basis, rather than the terminology.

Committee member D. Kelly noted that any technical terms are outside the Committee's purview.

Committee member J. Andrews commented that the Committee is considering a specific application and not the broad line of profession.

Planner M. Witmer commented that the profession has changed and diversified significantly since 2007. He also commented that the interpretation in the Zoning By-law might be out of date and will be reviewed in detail when there is a new Zoning By-law implemented.

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

Moved by B. Birdsell and seconded by J. Andrews,

"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 4.19.4 (iii) of Zoning By-law (1995)-14864, as amended, for 28 Devere Drive, to permit a Medical Office (dental hygiene practise) as a home occupation when the By-law does not permit a Medical Office as a home occupation, be approved, subject to the following conditions:

1. That the owner pays the actual cost of the construction of the new driveway extension and the required curb cut, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
2. That the applicant widens their driveway by 0.8 metres (to equal 5 metres) so as to provide for the required two (2) off street parking spaces needed to support the medical office as a home occupation.
3. That the medical office be limited to one (1) licensed dental hygiene practitioner only and 0 support staff.
4. That the medical office as a dental hygiene practice be limited to a maximum floor area of 21.5 square metres.”

Reasons for approval being:

1. The application is minor in nature, and
2. The application meets the criteria for a minor variance.

Carried

Application: A-114/12

Owner: Trellis Mental Health and Development

Agent: R. Seligman Associates Inc.; Richard Seligman

Location: 80 Waterloo Avenue

**In Attendance: Richard Seligman
Fred Wagner**

The Secretary-Treasurer advised of an error in the notice: the corner sightline triangle is located at Glasgow Street and Waterloo Street. The Secretary-Treasurer advised that an email has been received from residents of 12 Glasgow Street South objecting the application.

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

Mr. Seligman replied the signs were posted and the staff comments were received. He explained that the property in question previously received approvals for parking and height variances. He further explained that they have since initiated a program where they have met with the community to discuss the project. He advised that they have also met with the City site plan review committee and in the process they recognized two additional variances. He explained they are requesting a variance to permit a 7 metre sightline triangle in lieu of 9 metres. He noted that they have decided to use the existing foot print of the building and the

right-of-way on Glasgow Street is quite wide. He explained that the property originally had a front yard facing Waterloo Avenue and in 1995 the front yard changed to face Glasgow Street which now makes Birmingham Street the rear yard. He noted that he feels the 5.15 metre setback seems reasonable, in lieu of the required 7.5 metres. He commented that they have acknowledged the interest of the community by screening the parking area, minding the lighting, creating as much green space as possible and tried to reflect the design of the building with others in the neighbourhood.

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 A. Diamond and seconded by R. Funnell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.6.1 i) and Table 8.2 Row 6 of Zoning By-law (1995)-14864, as amended, for 80 Waterloo Avenue, to permit, for special health and social services, a 1.908 square metre three storey building to:

- a) be located 5.15 metres from Birmingham Street when the By-law requires a minimum rear yard to be equal to $\frac{1}{2}$ of the building height or 7.5 metres, whichever is greater, and
- b) to permit a 7 metre corner sightline triangle at Glasgow Street and Waterloo Street when the By-law requires that no building or structure be permitted within the 9 metre corner sightline triangle formed at the intersection of Glasgow Street and Waterloo Avenue,

be approved subject to the following condition:

1. That the owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, fencing, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the lands to the satisfaction of the General Manager of Planning and Building Services and General Manager/City Engineer, prior to the issuance of a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.”

Carried

Application: B-54/12 and A-115/12

Owner: Teresa Marthaler

Agent: Stantec Consulting; Dan Young

Location: 1858 Gordon Street / Poppy Lane

In Attendance: Dan Young

The Secretary-Treasurer advised that comments from Heritage Planning were distributed to the applicant and the Committee members for their review.

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

Mr. Young replied that the signs have been posted and they have received the staff comments. He explained that they are in agreement with the comments received from staff and are requesting a deferral.

Moved by R. Funnell and seconded by A. Diamond,

“THAT Applications B-54/12 and A-115/12 for Theresa Marthaler at 1858 Gordon Street, be deferred sinedie, to allow staff for more time to properly evaluate the application and in accordance with the Committee’s policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

Application: B-30/12

Owner: Nosam Properties Ltd.

Agent: VanHarten Surveying Inc.; Jeff Buisman

Location: 24 Douglas Street

In Attendance: Jeff Buisman

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

Mr. Buisman replied the sign was posted and the staff comments were received. He explained that they would like to defer the application as they are struggling with one of the conditions.

Moved by J. Andrews and seconded by D. Kelly,

“THAT Application B-30/12 for Nosam Properties at 24 Douglas Street, be deferred sinedie, to allow the property owner and his agent to meet with City staff regarding their recommendations and in accordance with the Committee’s policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

Jim Andrews left the meeting at 5:30 p.m.

Application: **B-53/12 and A-112/13**

Owner: **2111289 Ontario Inc.**

Agent: **VanHarten Surveying Inc.; Jeff Buisman**

Location: **20 Campbell Road**

In Attendance: **Robert Havekes**
 Blake Mills
 Jeff Buisman

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

Mr. Buisman replied the notice sign was posted and comments received. He explained the property is comprised of a parcel with an area of 20 acres. He noted they propose to sever the middle parcel to be purchased by Traxxside who has a business fronting on Speedvale Avenue. He noted the main business is trans-loading which loads to and from trucks to agricultural hoppers and train cars with products such as malt for breweries. He noted with the many activities on site, the property much be kept clean and tidy. He explained they plan to fix the spur line on the Campbell Road property and use it for storage. He explained the prior use of the property and noted it would require clean up. He advised he discussed the concerns from staff respecting the buffer strip and they have agreed to withdraw their request for elimination of the buffer strip and are willing to comply with By-law requirements, however they wish to continue with the request to provide outdoor storage in the front yard as the building is setback

quite far on the property. With respect to the concerns from staff he explained they plan to store skids of mulch and landscape supplies on the property for transport. He further questioned if the request to submit a record of site condition applied to the severed parcel only or the entire property.

Planner M. Witmer confirmed the Record of Site Condition applies to the entire site, which was confirmed by Engineering staff that day.

Application B-53/12

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

Moved by R. Funnell and seconded by D. Kelly,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lots 4 and 5, Registered Plan 541, to be known as 50 Campbell Road, a parcel with a frontage along Campbell Road of 114.6 metres and a total area of 2.833 hectares, be approved, subject to the following conditions:

1. Prior to endorsonation of the deeds, the Owner shall provide the City with all relevant environmental reports pertaining to the Site including, but not limited to, Phase I Environmental Site Assessments (ESA), Phase II ESAs, groundwater pump and treatment system records, remedial action plans, remediation summary reports, risk assessments and Records of Site Condition.
2. Prior to endorsonation of the deeds, any monitoring wells and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines.
3. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to November 16, 2013.
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."

Carried

Application A-112/12

The Committee acknowledged the variance from Section 4.12.2.3 requesting no buffer strip between the outdoor storage area and the street, be withdrawn as the applicant intends to comply with the By-law requirements.

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

Moved by R. Funnell and seconded by D. Kelly,

"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 4.12.2 of Zoning By-law (1995)-14864, as amended, for 20 Campbell Road, to permit outdoor storage in the front yard when the By-law requires outdoor storage be located in a side yard or rear yard only, be approved."

Carried.

Application: **A-113/12**

Owner: **717723 Ontario Inc.**

Agent: **VanHarten Surveying Inc.; Jeff Buisman**

Location: **570 Kortright Road West**

In Attendance: **Jeff Buisman**

Scott Louch
Diane and John Marchese
Jane McCulloch
Richard and Ella Kilpatrick
Judy Jowett

The Secretary-Treasurer advised that a letter was received from a resident at 279 Ironwood Road objecting the application and an email was also received from a resident at 8 Woodborough Road objecting the application in addition to the letters received and attached to the staff report.

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

Mr. Buisman replied the notice signs were posted and comments were received from staff. He explained Goodwill would like to use this unit as a donation centre and noted the Zoning By-law does not have a definition for a donation centre therefore a minor variance is required to permit the use. He noted they received approval for the plaza on Scottsdale Drive however they were unable to secure a lease. He explained Goodwill no longer has storage bins for the receipt of goods as they prefer the goods be dropped off at mall units.

Mr. Louch explained they used to be in bin business but discontinued 5 years ago. He noted their staff come out and collect the goods and bring it into the unit. He explained 1 truck/day to the unit to collect goods which would take approximately 15 minutes.

Committee member R. Funnell questioned if they have found dumping of goods at their door step after they ceased using bins.

Mr. Louch replied they originally will stay open until 8:00 p.m. and if there are problems with dumping they will stay open later.

John Marchese who resides at 293 Ironwood Road expressed concerns it will become a dumping ground after hours.

Mr. Louch noted they have a donation centre on Woodlawn and there is an attendant there at all times and they must help the owner within 10 seconds. He noted this practice will continue at this location.

Ms. Diane Marchese questioned what the signage associated with the business would look like. She noted the plaza is well maintained and she would like this practice to continue.

Mr. Louch volunteered to send pictures of the signage if contact information was provided.

Ms. Marchese questioned if this could this be turned into a retail outlet.

Chair L. McNair noted one of the recommendations from the Committee could be that no retail be permitted.

Mr. Louch noted the unit is only 855 square feet and it will not be possible to have retail on the premises as their retail outlets are typically 10,000 square feet. He assured the residents and Committee members there would be no retail operations.

Ian Bruce expressed two concerns with the proposal. He noted the garage containers are located to the rear of the plaza which makes it awkward for trucks to manoeuvre on the site. He expressed further concern about the transport trailers parking there throughout the year with reefer units running causing lots of noise.

Planner M. Witmer noted he will review the site plan to determine if the bins are allowed at the rear of the units.

Jane McCulloch from 279 Ironwood Road expressed her concerns in a letter and felt strongly the proposed use would result in the dumping of goods in the plaza.

Mr. Louch replied the donation centre accepts all goods which are sent to their London sorting plant to recycle or ship to their stores. He noted nothing is thrown out at the collection outlets.

Committee member J. Hillen noted he uses the drop off on the Woodlawn Road location and has never seen outdoor storage of goods. He noted the staff immediately met him at his car to collect the goods.

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

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

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 6.2.1.1 of Zoning By-law (1995)-14864, as amended, for 570 Kortright Road West, to permit a donation centre in Unit 2A to receive donations from the public of primarily used or second-hand house wares, domestic furniture, appliances, equipment, toys and clothing and where these goods are sorted and re-used in part, be approved, subject to the following conditions:

1. That a Donation Centre be defined as “an establishment owned and operated by a registered non-profit charitable organization which is attended by employees to

receive donations from the public, of primarily used or second-hand house wares, domestic furniture, appliances, equipment, toys and clothing, and where these good are sorted and re-used in part”.

2. That no outdoor storage areas, including bins, for donations are to be established in the front or side yards of the property or within the loading or waste management areas in the rear yard.
3. That retail not be permitted as part of the Goodwill Donation Centre operation.”

Carried

Application: B-51/12 and A-109/12

Owner: Bradford and Diane Miron

Agent: VanHarten Surveying Inc.; Jeff Buisman

Location: 35 Skov Crescent

In Attendance: Bradford Miron
Jeff Buisman
Richard Kilpatrick
Ella Kilpatrick
Judy Jowett

The Secretary-Treasurer advised that comments from Heritage Planning were distributed to the applicant and the Committee members for their review.

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

Mr. Buisman replied the notice sign was posted and comments were received from staff. He explained this property is called the Skov House and Mr. Skov developed this as a subdivision. He advised this large parcel has been owned by Brad Miron for 5 years and they are now proposing a severance on the left side of the property to construct a new dwelling for the owner. He noted the lot meets the requirements for lot width and area and a front yard setback is being requested as they plan to construct the building forward on the lot due to the curve of the streetline. He noted he met with Heritage Guelph staff on site and their concerns have been addressed.

Richard Kilpatrick who resides at 4 Cote Drive spoke on behalf of the neighbour at 6 Cote Drive with concerns on the application. He expressed concern about the piling of snow with the

introduction of another driveway. He further noted there has been sewage backup problems and drainage problems on the street which could be intensified with the introduction of a new house.

Mr. Buisman noted the severed and retained parcels comply with Zoning By-law requirements. He noted sewage and drainage problems have not been identified by Engineering staff.

Mr. Kilpatrick questioned what type of dwelling is being proposed for the property.

Mr. Buisman replied Jeff the owner intends to reside in the new dwelling and their intention is to construct a bungalow but may consider a one storey with a loft.

Planner M. Witmer advised the By-law would permit up to 3 storeys in height, however one of the recommendations from staff is to review the building permit drawings to determine conformance with area development.

Mr. Miron explained there have been problems with snow ploughing on the cul-de-sac and he has contacted the City about this concern. He noted the ploughing is done by a private contractor and once the City is contacted they send out their staff to plough the snow.

Staff advised they would investigate the grading and drainage concerns.

Application B-51/12

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

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

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lots 25 and 31, Registered Plan 439, to be municipally known as 8 Cote Drive, a parcel with a lot frontage along Cote Drive of 17.6 metres and a depth of 26.3 metres along the westerly lot line, be approved, subject to the following conditions:

1. Prior to the issuance of any building permit for the lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
2. Prior to the issuance of any building permit for the lands, the owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, By-

- law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.
3. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwelling on the severed parcel indicating:
 - a. The location and design of the new dwelling;
 - b. All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
 - c. The location of the new dwelling with a setback that is in character with the surrounding area;
 - d. Grading, drainage and servicing information.
 4. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
 5. That the elevation and design drawings for the new dwelling on the severed parcel be submitted to, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
 6. That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services.
 7. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.

8. That the owner pays the actual cost of constructing new service laterals to the severed lands including the cost of any curb cuts or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
9. That the owner pays the actual cost of the construction of the new driveway entrance including the required curb cut and/or curb fill, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
10. That prior to the issuance of any building permits on the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed severed lands.
11. 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.
12. That the owner shall pay the actual costs associated with the removal of the existing patio area, walls and steps, and the removal of the existing stone pillar and a portion of the wood fence from the road allowance across the frontage of the proposed severed lands, prior to endorsation of the deeds.
13. That the owner enters into a Storm Sewer Agreement with the City, satisfactory to the General Manager/City Engineer, prior to endorsation of the deeds.
14. 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.
15. That prior to the endorsation 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.
16. That the owner shall make satisfactory arrangements with the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the vacant lands, prior to the issuance of any building permit.
17. That prior to issuance of a building permit, the applicant makes arrangement for provision of hydro servicing to the new severed parcel, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the applicant's expense.
18. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of

Adjustment along with the administration fee required for endorsement, prior to November 16, 2013.

19. 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.
20. 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.
21. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Application A-109/12

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

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

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 6 of Zoning By-law (1995)-14864, as amended, for 8 Cote Drive, to permit a front yard setback of 4.6 metres when the By-law requires a minimum front yard of 6 metres, be approved, subject to the following condition:

1. That the conditions imposed for Application B-51/12 be and form part of this approval."

Carried

The meeting adjourned at 6:50 p.m.

L. McNair
Chair

Kim Fairfull, ACST
Secretary-Treasurer

Minna Bunnett, ACST(A)
Assistant Secretary-Treasurer

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday November 27, 2012 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell
J. Hillen
J. Andrews
A. Diamond
L. McNair – Chair (until 5:24 p.m.)
D. Kelly, Vice-Chair

Absent: B. Birdsell

Staff Present: M. Witmer, Planner
K. Fairfull, Secretary-Treasurer
M. Bunnett, Assistant Secretary-Treasurer

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Meeting Minutes

Moved by R. Funnell seconded by D. Kelly,

“THAT the Minutes from the November 13, 2012 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

Other Business

The Secretary-Treasurer explained the decision was received from the Ontario Municipal Board dismissing the appeal for Application A-79/12 at 103 Lynch Circle. She advised the application was to allow a driveway widening and a larger accessory apartment which were refused by the Committee and appealed by the owner. She noted the Ontario Municipal Board dismissed the appeal and upheld the Committee's decision.

The Secretary-Treasurer explained the decision was received from the Ontario Municipal Board dismissing the appeal for Application A-103/11 at 29 Curzon Crescent. She advised the

application was for a driveway widening which was refused by the Committee and appealed by the owner. She noted the Ontario Municipal Board dismissed the appeal and upheld the Committee's decision.

Application: **A-116/12**

Owner: **Victoria Weiler**

Agent: **B & M Construction / SmithValeriotte**

Location: **581 Woolwich Street**

In Attendance: **Victoria Weiler**

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

Ms. Weiler replied the notice signs were posted and comments were received from staff. She noted they wish to construct an open exterior stair to access the apartment on the second floor which she will be residing.

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

Moved by J. Andrews and seconded by A. Diamond,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.15.2.1 of Zoning By-law (1995)-14864, as amended, for 581 Woolwich Street, to permit an open stairway to be constructed which will lead to the residential unit on the second floor when the By-law requires that for dwelling units with commercial uses, every dwelling unit shall have a separate private entrance, which shall not be an open exterior stairway, be approved."

Carried

Application: **A-117/12**

Owner: **David Gray**

Agent: n/a

Location: 5 Orchard Crescent

In Attendance: David Gray

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

Mr. Gray replied the notice sign was posted and comments were received from staff. He explained he would like to widen the driveway at the front of the proposed garage addition to provide access.

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 A. Diamond and seconded by R. Funnell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.13.7.2 (ii) of Zoning By-law (1995)-14864, as amended, for 5 Orchard Crescent, to permit a driveway width of 11.73 metres (38.5 feet) at the garage face to accommodate a garage addition when the By-law requires that only one driveway access shall be created per residential property and such driveway shall have a maximum width of 7.5 metres (24.6 feet), be approved, subject to the following conditions:

1. That the area of the driveway proposed to be widened not be used as an off-street parking space for any vehicle at any time.
2. That the driveway widening be constructed in accordance with the submitted sketch with minor variance application A-117/12.”

Carried

Application: B-55/12

Owner: Michael and Carolyn Belcastro

Agent: JL Cox Planning Consultants Inc.; John Cox

Location: **58 Fleming Road**

In Attendance: **John Cox**
 Carolyn and Michael Belcastro
 Bill Worton

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

Mr. Cox replied the notice sign was posted and comments were received from staff. He explained they wish to sever a lot with a width of 42 feet. He noted the area is comprised of a mix of older homes and new homes and the proposal would comply with area development. He noted the lot was serviced to the property line when Fleming Road was re-constructed therefore services are available. He advised they will be submitting an application for zoning amendment as the property is located in the Urban Reserve zone. They have reviewed the recommendations from staff and have no concerns.

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 A. Diamond and seconded by J. Andrews,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 16, Registered Plan 468, to be known municipally as 56 Fleming Road, a parcel with a frontage of 12.8 metres along Fleming Road and a depth of 51.9 metres, be approved, subject to the following conditions:

1. That the owner pay to the City, as determined applicable by the City’s Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
2. That the owner pays the actual cost of the construction of the new driveway entrance including the required curb cut and/or curb fill, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.

3. That prior to the issuance of any building permits on the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed severed lands.
4. 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.
5. That the owner shall pay the actual costs associated with the removal of the existing structure/shed and any other materials from the severed parcel, prior to endorsation of the deeds.
6. That the owner enters into a Storm Sewer Agreement with the City, satisfactory to the General Manager/City Engineer, prior to endorsation of the deeds.
7. 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.
8. Prior to endorsation of the deeds, the owner will be required to ensure that any domestic wells or monitoring wells and boreholes drilled for hydrogeological or geotechnical investigations are properly decommissioned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer.
9. 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.
10. Prior to the issuance of a building permit, the owner 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.
11. That all electrical services to the lands are underground and the owner shall make satisfactory arrangements with the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the proposed severed lands, prior to the issuance of any building permit.
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.

13. That the applicant apply for and receive approval to amend Zoning By-law (1995)-14864 to change the Zoning category on the severed and retained parcel to a suitable single detached residential Zoning category, prior to endorsation of the deeds;
14. That any accessory structures and any vehicles parked on the subject property's landscaped open space be removed, prior to endorsation of the deeds;
15. That a site plan, elevations and design drawings for the new dwelling on the severed parcel be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwelling on the severed parcel indicating and showing:
 - a) The location and design of the new dwelling;
 - b) All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
 - c) The physical location of the new dwelling with a setback that is in character with the surrounding area;
 - d) The design of the new dwelling, to ensure that it respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage;
 - e) Grading, drainage and servicing information;
16. That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services;
17. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act;
18. That the applicant shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsation of the deeds, at the rate in effect at the time of the endorsation.

19. That the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City, prior to the issuance of any building permit for the lands.
20. That prior to the endorsation 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.
21. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to November 30, 2013.
22. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
23. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
24. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Application: **A-118/12**

Owner: **Deborah Michaels**

Agent: **Bruce Starr**

Location: **134 Grange Street**

In Attendance: **Deborah Michaels**

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

Ms. Michaels replied that the sign was posted and the staff comments were received. She explained that the application is for a height variance on a proposed detached garage.

The Committee had no questions for the applicant.

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

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

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for 134 Grange Street, to permit a 4.7 metre by 4.37 metre detached garage to have a height of 4.1 metres (13.45 feet) when the By-law requires that in a residential zone, the height of an accessory structure shall not exceed 3.6 metres (11.83 feet), measured at the mid point between the eave and the ridge, be approved subject to the following condition:

1. That all or any portion of the detached garage not be used as habitable space or for a home occupation.”

Carried

Application:	A-120/12
Owner:	2109029 Ontario Inc. / Brodie Limited
Agent:	1838075 Ontario Inc.; Robert Dowd
Location:	919 York Road
In Attendance:	Robert Dowd Glenn Currie Janet Currie Pat Monteath Edith Johnson Ken Johnson

**Jennifer Jacobi
Fred Anderson
Sue Koehlel
Al Koehlel
Doc Caldrex
Rick Eller
Tony Wegaer
Roy Wakefield
Doug Dolby**

The Assistant-Secretary noted that an email from a representative of the Guelph Legion was received opposing the application.

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

Mr. Dowd replied that the signs were posted and he also received the staff comments. He explained that the variance application is the first step in a several step process for establishing a bingo hall. He commented that he believed a bingo hall was a permitted use on the property previously but has since been assigned a specialized zoning.

Committee member R. Funnell questioned whether the applicant discussed his proposal with the Guelph Legion which is located next door.

Mr. Dowd replied that he did have a meeting with the Legion but did not hear from them after the meeting. He explained that the intention was to meet with them again but he was not able to do so.

Committee member R. Funnell commented that there is opposition to the variance application from the Guelph Legion members whose representatives are present at the Committee of Adjustment meeting. He questioned whether it would be a good idea to have a discussion with the Legion members to inform them on the details of his business proposal and possibly prevent an appeal to the Ontario Municipal Board.

Mr. Dowd replied that he is open to discussion with the members if it will be of assistance.

Committee member R. Funnell questioned whether a bingo hall was previously established on the property.

Planner M. Witmer replied that a bingo hall was an accessory use to the Guelph Legion which was previously located on the property. He noted that the bingo hall was an occasional use, not a designated use.

Committee member D. Kelly questioned whether staff feels a bingo hall would be an appropriate use of the building.

Planner M. Witmer replied that staff feels the proposed use is very similar to the uses which are permitted on the property currently. He continued by explaining that as an example, a banquet hall would often have draws, silent auctions and bingo events. He commented that from a Planning land use perspective, a bingo hall would be acceptable.

Mr. Currie, a lottery administrator for the Colonel John McCrae Legion Memorial Branch 234, explained that the Guelph Legion is opposing the proposed bingo hall. He explained that the building in question was the former location of the Legion. He commented that the Wednesday bingo they currently have will be greatly affected and without the revenue generated by the bingo they will find it very difficult to run the building and might have to close their doors in the future. He proceeded by giving a summary of all the organizations that the Guelph Legion supports. He commented that not continuing the bingo events might cause them not being able to provide all the services to the community they currently offer.

A concerned citizen commented that the Legion has recently moved into a new building and if the variance is approved, it will hurt their operations.

Chair L. McNair commented that the bingo hall would need to be licensed and it would have to follow the license regulations.

Planner M. Witmer noted that the zoning must be in place for the provincial licensing.

Mr. Eller, a representative for Crime Stoppers, commented that they have been a recipient for donations from branch 234 of the Legion and are relying on them as well as other boards. He noted that giving back to the local community is very important.

Mr. Wagner, a representative for Guelph area of Stroke Recovery Canada, commented that the Legion is supportive of their cause and Stroke Recovery Canada is supporting the continuance of the Legions operations.

Mr. Dowd commented that it is not their intention to drive the Legion out of business. He further commented that the Legion could operate their bingo from the proposed new bingo hall and still generate income. He commented that in his other business branches they have been co-operating with the local legions and it is working out well. He further commented that this was the intention with the Guelph Legion as well. He explained that the purpose of his organization is to be a licensed operator of the facility, where different groups can run their bingo events from.

Committee member J. Andrews commented that the Committee cannot make a decision based on competition but on planning grounds.

Committee member D. Kelly commented that it is unfortunate that the two groups were not able to get together to have a conversation about the proposal.

Mr. Dowd replied that the purpose is to work together with different charity groups in the entire community. He noted that his business is in the private sector and they do make a profit with their bingo halls.

Committee member A. Diamond commented that it might be beneficial to show the Legion a cost-benefit analysis. She noted that the two groups should meet.

Mr. Dowd commented that he did not hear back from the Legion members and he did not have a chance to follow-up with them. He explained that in 2007 the Alcohol and Gaming Commission introduced a process where the revenues must be shared between the operator and the charities, including any profit made with food being sold at the premises.

Committee member R. Funnell questioned whether the Legion representatives would be prepared to meet with the applicant to discuss the matter further.

Mr. Currie replied that he would have to discuss this with their executive. He confirmed that earlier in the year the Legion was approached by the applicant. He pointed out that the Legion is not a registered charity but a non-profit organization. He commented that they are tied into certain formulas and when the bingo numbers drop, they will not get the same number of people coming out.

Committee member J. Andrews commented that unfortunately the Legion cannot control where a new bingo hall might be created; could be even in the township which is very close to Guelph.

Mr. Currie confirmed that this is correct but this bingo hall would be located right next to their building which will affect them regardless of the day the bingo is run or how often.

Chair L. McNair questioned the applicant whether the Legion being a non-profit organization, not a registered charity, is able to operate bingo from his premises.

Mr. Dowd replied that a non-profit organization is able to do this, along with different service groups, schools, youth groups etc.

Chair L. McNair questioned what the maximum seating capacity would be for the proposed bingo hall.

Mr. Dowd replied that the bingo hall area is 10,000 square feet which would seat approximately 400 people, which is quite a large number.

Ms. Currie expressed a concern regarding the operations of the proposed bingo hall. She also commented that without the Legion, there would be no more giving back to the community.

A general discussion took place between the Committee members regarding deferring the application.

Moved by J. Andrews and seconded by D. Kelly,

“THAT Application A-120/12 for Brodie Limited at 919 York Road, be deferred up to 4 months, to facilitate a discussion between the applicant and the Legion members and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

Application: **A-119/12**

Owner: **Lynn Schmakies**

Agent: **Pat Gervais**

Location: **402 Starwood Drive**

In Attendance: **Lynn Schmakies**
 Pat Gervais

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

Mr. Gervais replied that the sign was posted and they did receive the staff comments. He explained that he has built a patio door across the garage opening. He further explained that they use the area for smoking during the winter and the door was created to keep the area warm. He commented that now he is aware that he broke a parking rule but that they have never had a need for the garage for extra parking; the area is used for storing items. He noted that if the door must be removed, it can be easily done.

Ms. Schmakies explained that she did not apply for a building permit for the door because it could easily be removed and the installation did not require any structural changes to the dwelling.

Committee member J. Andrews asked staff whether the issue is with the glass doors versus a garage door.

Planner M. Witmer replied that by removing the garage door, the garage is physically blocked off and a vehicle cannot access the garage.

Ms. Schmakies commented that you could only fit a smart car in the garage due to its small size.

Mr. Gervais commented that he has a small heater to keep the area warm.

Committee member R. Funnell questioned whether a vehicle fits in the garage.

Mr. Gervais replied that you could fit a small car in the garage but that he is not able to fit his truck in there. He explained that the garage door is currently there in an open position and if he removes the patio door, he is able to close the garage door and fit a vehicle inside.

Committee member D. Kelly questioned if the intent of the By-law is to park in the garage and not in the driveway?

Planner M. Witmer replied that the primary location for the legal off-street parking space is behind the front wall of the dwelling which automatically places it in the garage.

Committee member A. Diamond had a concern that the area looks like a regular interior room and will never be used as a garage.

Chair L. McNair left the meeting at 5.24 p.m.

Ms. Schmakies commented that she could not afford to connect the heating to the area and would not want to be living in the room.

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

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

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 5.1.3.3.5.2.3 of Zoning By-law (1995)-14864, as amended, for 402 Starwood Drive, to permit the legal off-street parking space (with a depth of 5.5 metres) to be located in the driveway 3.9 metres in from the street line when the By-law requires that the legal off-street parking space be located to the rear of the setback line and a minimum distance of 6 metres from the street line, be refused.

Reason for refusal being:

1. The intent of the By-law is not maintained by turning the off-street legal parking space into living space.”

Carried

The meeting adjourned at 5:27 p.m.

L. McNair
Chair

Kim Fairfull, ACST
Secretary-Treasurer

Minna Bunnett, ACST(A)
Assistant Secretary-Treasurer

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday December 11, 2012 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell
J. Hillen
B. Birdsell (from 4:23 p.m.)
J. Andrews
L. McNair – Chair (from 4:10 p.m.)
D. Kelly, Vice-Chair

Regrets: A. Diamond

Staff Present: M. Witmer, Planner
T. Spears, Planner
K. Fairfull, Secretary-Treasurer
M. Bunnett, Assistant Secretary-Treasurer

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Meeting Minutes

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

“THAT the Minutes from the November 27, 2012 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

Other Business

The Assistant Secretary-Treasurer informed that the OACA December 2012 newsletter was distributed to the Committee members.

The Assistant Secretary-Treasurer informed that a December 2012 Consolidation for the City of Guelph Official Plan will be distributed to Committee members later this month.

Application: **A-129/12**

Owner: **Cityview Homes (Grangehill) Inc.**

Agent: **Black, Shoemaker, Robinson, Donaldson**

Location: **1 Creighton Avenue**

In Attendance: **Bruce Donaldson**

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

Mr. Donaldson replied that the signs were posted and the staff comments were received. He explained that Cityview Homes has been building homes in the Creighton Avenue area. He further explained that the only remaining lot is for sale and they are having some difficulties selling it. He commented that they are requesting an extension of two years for the model home due to the fact that all of the construction has not been completed and the one empty lot is still for sale. He explained that the builder would like to remain in the area in case the residents have any concerns regarding their newly built homes. He noted that next spring the builder will be building in another subdivision nearby. He explained that his client is looking for a compromise and is hoping for an extension of another year instead of 8 months as per recommendation from staff.

Vice-Chair D. Kelly questioned if staff would be in agreement with an extension of one year.

Planner M. Witmer replied that the function for a sales office is to sell vacant lots in a new development. He explained that the neighbourhood is quite built up and extending the time is out of character. He continued by explaining that the staff is recommending 8 months which is ample time to construct a new home or a new model home.

(Chair L. McNair arrived at 4:10 p.m.)

Mr. Donaldson commented that they are asking for an extension of one year from the existing agreement expiry date.

A general discussion took place regarding the time extension and setting an actual expiry date.

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

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

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Sections 5.1.1 and 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 1 Creighton Avenue, to permit a model home to operate within the building, occupying the garage space as a sales office, resulting in the off-street parking space being located 0 metres from the Creighton Avenue property line and ahead of the main front wall of the building when the By-law permits residential uses only on the subject property and requires the off-street parking space be located a minimum of 6 metres from the street line and to the rear of the main front wall of the building, be approved,

subject to the following condition:

1. That the owner enters into a Site Plan Agreement registered on title for the property prior to the continuation of the use as a sales office, which requires that the sales office area be restored to its intended use, prior to the transfer of title to a subsequent owner or by December 31, 2013, whichever occurs first.”

Carried

Application: B-56/12

Owner: Westminster Woods Ltd.

Agent: n/a

Location: 340 Clair Road East

In Attendance: Alfred Artinger

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

Mr. Artinger replied that the signs were posted and the staff comments were received. He explained that the severed lands are subject to a zone change which has been previously approved by Council. He further explained that the current owner, Westminster, is transferring the lands to Reid’s Heritage and the severance will assure the transfer can happen.

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

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

Moved by J. Andrews and seconded by D. Kelly,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 10, Concession 8, Geographic Township of Puslinch, more particularly described as Part 1 on draft Reference plan dated November 7, 2012 by Van Harten Surveying Inc., 340 Clair Road East, a parcel with a frontage of 121.7 metres along Frederick Drive and a depth of 219.17 metres along Victoria Road South, be approved,

subject to the following conditions:

1. Prior to site plan approval, the owner acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. The owner shall retain a Qualified Person (QP) as defined in Ontario Regulation 153/04 to prepare and submit a Phase 1 Environmental Site Assessment and any other subsequent phases required, to assess any real property to ensure that such property is free of contamination. If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the owner's expense. Prior to the site plan approval, a Qualified Person shall certify that the property to be developed is free of contamination.
2. If contamination is found, the Owner shall:
 - a) submit all environmental assessment reports prepared in accordance with the Record of Site Condition (O. Reg. 153/04) describing the current conditions of the land to be developed and the proposed remedial action plan to the satisfaction of the City;
 - b) complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be developed meet the Site Condition Standards of the intended land use; and
 - c) file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be developed. That prior to endorsation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the road widening.
3. (a) Prior to site plan approval, the owner shall provide to the City, to the satisfaction of the Manager of Planning and the General Manager/City Engineer, any of the following studies, plans and reports that may be requested by the Manager of Planning and the General Manager/City Engineer:

- a) a site servicing and stormwater management report certified by a Professional Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual" which addresses the quantity and quality of stormwater discharge from the site;
 - ii) a noise and vibration study certified by a Professional Engineer to assess the impact of the traffic and future development noise on the proposed retained lands;
 - iii) a detailed erosion and sediment control plan, certified by a Professional Engineer that indicates the means whereby erosion will be minimized and sediment maintained on-site throughout all phases of grading and construction;
- (b) The owner shall, to the satisfaction of the Manager of Planning and the General Manager/City Engineer, address and be responsible for adhering to all the recommended measures contained in the plans, studies and reports outlined in subsections (a) i) to (a) iii) inclusive, of this clause.
- 4. 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 buildings, landscaping, parking, circulation, 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 site plan approval and furthermore, the owner shall develop the said lands in accordance with the approved site plan.
 - 5. That the owner grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.
 - 6. The owner shall provide a qualified environmental inspector, satisfactory to the General Manager/City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures on a weekly or more frequent basis if required. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.

7. The owner shall pay to the City the actual cost of constructing and installing of any new service laterals or the removal of any service laterals required and furthermore, prior to site plan approval, the owner shall pay to the City the estimated cost of the service laterals, as determined by the General Manager/City Engineer.
8. The owner shall pay to the City the actual cost of the construction of the new accesses and the required curb cuts, prior to site plan approval, the owner shall pay to the City the estimated cost as determined by the General Manager/City Engineer of constructing the new accesses and the required curb cuts.
9. Prior to the issuance of any building permits, the owner shall pay to the City the actual cost of existing service laterals as determined by the General Manager/City Engineer.
10. That the owner constructs the new buildings at such an elevation that the lowest level of the new buildings can be serviced with a gravity connection to the sanitary sewer.
11. That the owner pays to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
12. Prior to site plan approval, the owner shall apply to the City Solicitor requesting for the dedication of a portion of the 0.30-metre (1.0 feet) reserve for the proposed driveway accesses to the proposed severed lands.
13. The owner shall have an Ontario Land Surveyor prepare a reference plan to the satisfaction of the General Manager/City Engineer, identifying the dedication of a portion of the 0.30-metre (1.0 feet) reserve for the proposed driveway accesses to the proposed severed lands, prior to site plan approval.
14. Prior to the issuance of a building permit, any domestic wells and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer.
15. The owner shall prepare and implement a construction traffic access and control plan for all phases of servicing and building construction to the satisfaction of the

City. All damage or maintenance required to surrounding streets as a result of such traffic shall be at the owner's cost.

16. The owner shall ensure that the height of any proposed retaining wall does not exceed 1.0 metres to the satisfaction of the General Manager/City Engineer.

17. The owner shall place the following notifications in all offers of purchase and sale or lease for all lots and/or dwelling units and to be registered on title:

(i) that sump pumps will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a design by a Professional Engineer. Furthermore, sump pumps must be discharged to the rear yard;

(ii) if any fee has been paid by the purchaser to the owner for the planting of trees on City boulevards in front or on the side of residential units does not obligate the City or guarantee that a tree will be planted on the boulevard in front or on the side of a particular residential dwelling;

(iii) a transit route may be installed on Goodwin Drive at the discretion of the City. The location of such route and bus stops will be determined based on the policies and requirements of the City. Such bus stops may be located anywhere along the route, including lot frontages;

(iv) prior to the completion of home sales, purchasers and/or tenants are to be advised of the time frame during which construction activities may occur and the potential for residents to be inconvenienced by construction activities such as noise, dust, dirt, debris, drainage and construction traffic;

(v) Clair Road and Victoria Road may be used as a permitted truck route;

(vi) the owner shall agree to eliminate the use of any covenants that would restrict the use of clotheslines and the owner's lawyer shall certify to the Manager of Planning that there are no restrictive covenants which restrict the use of clotheslines.

18. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to site plan approval.

19. That all electrical services to the lands are underground and the owner shall make satisfactory arrangements with 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 site plan approval.

20. The owner shall ensure that all telephone service and cable TV service in 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 for the Lands, prior to site plan approval.
21. That the applicant advise the Secretary-Treasurer of the Committee of Adjustment in writing that no appeals were received on By-law 2012-19484 or, if applicable, any outstanding appeals have been resolved and settled, prior to endorsement of the deeds.
22. That prior to site plan approval, the owner shall enter into a Site Plan Control agreement with the City, registered on title, satisfactory to the General Manager/City Engineer and the City Solicitor, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.
23. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to December 14, 2013.
24. 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.
25. 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.
26. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Application: A-127/12

Owner: Eric Gillis and Emily Hurst

Agent: n/a

Location: 77 Alice Street

In Attendance: Eric Gillis

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

Mr. Gillis replied the sign was posted and the staff comments were received. He explained that they are proposing to extend their duplex house by adding an 18 by 12 foot kitchen area at the rear of the dwelling.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

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

“THAT in the matter of an application under Section 45(2)(a)(i) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to extend the legal non-conforming use at 77 Alice Street, to construct a 2.44 metre by 3.66 metre single storey addition with stairs and landing to the rear of the building which will be located 0.48 metres from the left side lot line, be approved.”

Carried

(Committee member B. Birdsell arrived at 4:23 p.m.)

Application: A-125/12

Owner: Nicole Hogg

Agent: Scott McNab

Location: 118 Norwich Street East

In Attendance: Scott McNab

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

Mr. McNab replied the sign was posted and the staff comments were received. He explained that they are proposing to demolish an existing one storey addition at the back of the house and replace it with a two storey addition. He commented that they would need a side yard variance to accommodate the addition.

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. Kelly and seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 118 Norwich Street East, to permit a 5.18 metre by 6.63 metre two storey addition to be located 0.6 metres from the left side lot line when the By-law requires that any building addition be located a minimum of 1.5 metres from the side lot line, be approved, subject to the following condition:

1. 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 existing roofed wood verandah, wood post, siding and eaves onto the Norwich Street road allowance. “

Carried

Application:	A-126/12
Owner:	Steve and Tina Gill
Agent:	n/a
Location:	64 Bishop Court
In Attendance:	Steve Gill

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

Mr. Gill replied the notice sign was posted and comments were received from staff. He requested consideration for above ground swimming pool to remain in its current location. He explained he purchased the residence in December 2008 and applied to the City to build an above ground swimming pool which was completed in August 2009. He noted the rear property line is bordered by a stone retaining wall built in the 1970's along with an original fence which is a natural border to Stone Road which he assumed was his property line. He explained the drawings submitted to the City for a building permit identifying a 13 foot rear yard were submitted in good faith and the actual measurements did not come to his attention until the City became involved with repairing the retaining wall. He explained the pool does not affect the drainage of the abutting properties nor does it deter any pedestrian or vehicular traffic. He noted it would be a financial burden to move the pool and requested the Committee consider their request to keep it in its current location.

Committee member B. Birdsell questioned if there is a fence surrounding the pool.

Mr. Gill said the enclosure forms part of the pool.

Committee member J. Hillen questioned if the wall is being repaired or replaced.

Planner M. Witmer explained the retaining wall was not constructed by the City originally, it was constructed by a private property owner. He noted the wall is being repaired.

The Committee questioned if City staff would see the discrepancy in pool location on their final inspection.

Secretary-Treasurer K. Fairfull replied the City inspectors are concerned about the pool enclosure and do not have survey plans with them.

Committee member D. Kelly noted the onus is on the owner to construct the pool in the proper location.

Mr. Gill replied when they constructed the pool they felt they were constructing well within the By-law requirements.

Chair L. McNair noted the distance from retaining wall to pool location is 4.5 metres, therefore the drawing was accurate if the retaining wall was considered to be the property line. He noted the Committee could consider the variance for a time limit until future plans are known for Stone Road.

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

Moved by B. Birdsell and seconded by J. Andrews,

“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 4.5.5.3 of Zoning By-law (1995)-14864, as amended, for 64 Bishop Court, to permit an existing above ground pool to be located 0 metres from the rear lot line when the By-law requires that above ground swimming pools be located a minimum of 1.5 metres from any lot line, be approved, subject to the following conditions:

1. That the Owner obtain an encroachment agreement for a portion of the pool that encroaches on City property.
2. That the variance apply for a maximum of eight (8) years to determine if concrete plans are in place for the widening of Stone Road.”

Carried

Application: **A-128/12**

Owner: **GMA Holdings**

Agent: **Michael Klein**

Location: **965 York Road**

In Attendance: **Phil Bean**
 Rob Brown (for information only)

No representatives appeared for this application. The Committee noted the municipality is requesting conditions form part of the minor variance application and the agent/owner should have the opportunity to speak to them.

Moved by J. Andrews and seconded by B. Birdsell,

“THAT Application A-128/12 for GMA Holdings at 965 York Road, be deferred sinedie, to discuss with the neighbours a possible compromise and in accordance with the Committee’s policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

Application: **A-124/12**

Owner: **Bogdan Szczesny**

Agent: **Stan Gidzinski**

Location: **232 Water Street**

In Attendance: **n/a**

The Secretary Treasurer advised that the application has been withdrawn by the agent for the owner.

Committee member D. Kelly left the meeting.

Application: **A-123/12**

Owner: **Mark and Judith Jones**

Agent: **Edwin Lapsley**

Location: **228 Liverpool Street**

In Attendance: **Edwin Lapsley**
 Mark Jones

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

Mr. Lapsley replied the notice sign was posted and comments were received from staff. He explained the original front porch has existed for approximately 100 years and they have submitted plans for its replacement.

There were no questions from the Committee.

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

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

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7 Row 3 of Zoning By-law (1994)-14864, as amended, for 228 Liverpool Street,

- a) to permit an open, roofed porch to be located 1.2 metres from the Liverpool Street property line when the By-law requires that an open, roofed porch be located a minimum 2 metres from the front property line, and
- b) to permit the open, roofed porch to project 2.67 metres into the required yard (2 metres from the front building wall) when the By-law requires that an open, roofed porch can project a maximum of 2.4 metres into the required front yard (3.89 metres),

be approved.”

Carried

Application: **A-122/12**

Owner: **Anthony Smith and Donna Deegan-Smith**

Agent: **n/a**

Location: **4 Eugene Drive**

In Attendance: **Anthony Smith**

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

Mr. Smith replied the notice sign was posted and comments were received from staff. He explained he purchased the property in 2009 as he had two sons attending the University of Guelph. He noted the property was listed as a property ideal for students and he continues to rent 5 rooms. He noted the Zoning Inspector attended the property and advised five bedrooms could not be rented out as it does not comply with the By-law. It was suggested he create an accessory apartment, however, this would require three off-street parking spaces which would necessitate widening the driveway, requiring a minor variance for driveway width. He noted there are many dwellings on the street with wide driveways.

Chair L. McNair questioned if there was a kitchen in the basement.

Mr. Smith replied there is a refrigerator and a utility area and cold storage area but no kitchen sink currently.

Committee member B. Birdsell questioned if there was a stove.

Mr. Smith replied there is no stove.

Planner M. Witmer explained that a lodging house is not permitted in this zone so the applicant is taking measures to convert the house with an accessory unit.

Committee member B. Birdsell questioned if the property would comply if one bedroom for gain was eliminated

Planner M. Witmer replied the property would comply with four bedrooms being rented.

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. Kelly and seconded by R. Funnell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.2.2 Row 15 of Zoning By-law (1995)-14864, as amended, for 4 Eugene Drive, to permit a driveway width of 5.1 metres which results in the driveway occupying 67% of the front yard when the By-law requires that the driveway shall not constitute more than 40% of the front yard (3 metres), be refused.

Reasons for refusal being: -

1. The driveway occupying 67% of the front yard does not meet the intent of the Zoning By-law.
2. The variance is not minor in nature and if everyone did this it would look like a parking lot and this is why the regulations are in place.
3. The general intent and purpose of the By-law would not be met as driveway widening which have occurred along the street will deter the residential character of the neighbourhood.”

Carried

Application: **A-121/12**

Owner: **Speengul Safi**

Agent: **n/a**

Location: **8 Moffatt Lane**

In Attendance: **Speengul Safi**

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

Mr. Safi explained they wish to make an accessory apartment in their dwelling for his children as they are currently unemployed and want to reside in this area.

Committee member J. Andrews noted staff area concerned about the size of the unit. He questioned if the area of the unit could be reduced to comply with the By-law.

Mr. Safi replied the unit has been finished and his son resides in it.

Committee member J. Hillen noted it is a fairly large house and the apartment could still be subordinate to the main dwelling.

Mr. Safi explained the house is approximately 3,000 square feet.

Planner M. Witmer noted that during site inspections staff noticed the driveway has been expanded and may not comply with zoning requirements.

Chair L. McNair suggested the application may need to be deferred to deal with the driveway width.

Committee member B. Birdsell replied he felt the Committee could proceed with the request as they would still comply with By-law requirements for an accessory unit if the driveway width was reduced.

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

Moved by B. Birdsell and seconded by J. Andrews,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 8 Moffatt Lane, to permit a two bedroom accessory apartment with an area of 106.6 square metres when the By-law requires that an accessory apartment shall not exceed a maximum of 80 square metres in floor area, be approved.”

Carried

The meeting adjourned at 5:35 p.m.

L. McNair
Chair

Kim Fairfull, ACST
Secretary-Treasurer

Minna Bunnett, ACST(A)
Assistant Secretary-Treasurer