



**COMMITTEE OF ADJUSTMENT
MINUTES**

The Committee of Adjustment for the City of Guelph held its Regular Hearing on Thursday April 12, 2018 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

B. Birdsell, Chair
S. Dykstra
D. Gundrum
D. Kendrick

Regrets K. Ash, Vice Chair
 L. Janis
 P. Ross

Staff Present: L. Cline, Council Committee Assistant
 T. Di Lullo, Secretary-Treasurer
 L. Sulatycki, Planner
 M. Witmer, Planner

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by D. Gundrum
Seconded by S. Dykstra

THAT the Minutes from the March 8, 2018 Regular Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Requests for Withdrawal or Deferral

There were no requests for withdrawal or deferral.

Current Applications

Application: **B-7/18**
Owner: **2298907 Ontario Inc.**
Agent: **Brian Collier, Built by Engineers Construction Inc.**

Location: 320-322 Eastview Road

**In Attendance: Brian Collier
Joginder Singh**

Secretary-Treasurer T. Di Lullo noted that revised staff comments were provided for the subject application recommending approval with conditions. A copy of the revised comments was provided to the members.

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

B. Collier explained that this application was a re-submission of a previous consent application which was provisionally approved, but the previous conditions were not fulfilled within the required deadline.

The Committee had no questions for the agent.

No members of the public spoke.

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 S. Dykstra
Seconded by D. Gundrum

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 Block 112 of Plan 61M-144, municipally known as 320-322 Eastview Road, a parcel with frontage along Watson Parkway North of 25.99 metres and an area of 5,883.8 square metres, along with reciprocal blanket easements over the severed and retained lands for access, maintenance and servicing, be **APPROVED**, subject to the following conditions:

1. That prior to the issuance of the Certificate of Official, the property owner enters into a development agreement with the City to the satisfaction of the General Manager of Planning, Urban Design and Building Services and register the agreement on title to the entire lands that includes, but not necessarily limited to the following clauses:
 - a. That the reciprocal easement for mutual access remains registered to both 320 and 322 Eastview Road for as long as both properties remain separately conveyable parcels.
 - b. That the reciprocal easement for utilities and servicing, including but not limited to water, sanitary sewer, storm sewer, hydro, natural gas and any telecommunications remain registered to both 320 and 322 Eastview Road.
2. That the owner of the servient tenement lands (proposed severed parcel, 322 Eastview Road, Part of Block 112, 61M-144), grants the dominant tenement lands (proposed retained parcel, 320 Eastview Road, Part of Block 112, 61M-144), a mutual right-of-way and reciprocal easements for municipal

services/maintenance, mutual vehicular access and circulation between each parcel. Furthermore, the right-of-way and reciprocal easements are to be endorsed, in perpetuity and registered on title, prior to the issuance of the Certificate of Official or within one (1) year of the consent, whichever occurs first.

3. That the owner of the dominant tenement lands (proposed retained parcel, 320 Eastview Road, Part of Block 112, 61M-144), grants the servient tenement lands (proposed severed parcel, 322 Eastview Road, Part of Block 112, 61M-144), a mutual right-of-way and reciprocal easements for municipal services/maintenance, mutual vehicular access and circulation between each parcel. Furthermore, the right-of-way and reciprocal easements are to be endorsed, in perpetuity and registered on title, prior to the issuance of the Certificate of Official or within one (1) year of the consent, whichever occurs first.
4. That prior to the issuance of the Certificate of Official, the solicitor for the owner of the servient tenement lands, (proposed severed parcel, 322 Eastview Road, Part of Block 112, 61M-144), certifies that the mutual right-of-way and reciprocal easements for municipal services /maintenance, mutual vehicular access and circulation, in favour of the dominant tenement lands, (proposed retained parcel, 320 Eastview Road, Part of Block 112, 61M-144), has been granted and registered on title.
5. That prior to the issuance of the Certificate of Official, the solicitor for the owner of the dominant tenement lands, (proposed retained parcel, 320 Eastview Road, Part of Block 112, 61M-144), certifies that the mutual right-of-way and reciprocal easements for municipal services/maintenance, mutual vehicular access and circulation, in favour of the servient tenement lands, (proposed severed parcel, 322 Eastview Road, Part of Block 112, 61M-144), has been granted and registered on title.
6. That prior to the issuance of the Certificate of Official, property owners (Severed/Retained) enter into a development agreement with the City and register the agreement on title on both parcels severed/retained and shall include the following clauses:
 - a. That the reciprocal easement for mutual access remain registered to both 320 and 322 Eastview Road in perpetuity.
 - b. That the reciprocal easement for utilities and servicing, including but not limited to water, sanitary sewer, storm sewer, hydro, natural gas and any telecommunications remain registered to both 320 and 322 Eastview Road in perpetuity.
 - c. The Severed Lands and the Retained Lands shall not in any circumstance deregister, release or abandon the above-noted easements or amend the terms of such easements without prior written consent from the City which consent may be unreasonably or arbitrarily withheld.
 - d. The Owner hereby covenant and agrees that if any of the current municipal servicing to the severed lands (including without limitation, water, sanitary, and/or storm sewer) is disconnected or becomes unavailable due to any circumstance the Owner of the Severed Lands shall immediately ensure that a new direct and separate underground connection to each of the affected City services shall be made directly to

- the City services from the Severed Lands at the sole cost of the Owner of the Severed Lands (including, without limitation, all frontage works)
- e. The Owner hereby covenants and agrees that in the event that any new development is proposed on the Severed Lands, the Owner of the Severed Lands shall ensure that a separate service connection is made to all City services directly from the Severed Lands.
 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 issuance of the Certificate of Official.
 8. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
 9. That prior to the issuance of the Certificate of Official, 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 deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).
 10. That upon fulfilling and complying with all of the above-noted conditions, the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

REASONS:

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

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

Application: A-25/18
Owner: 23988040 Ontario Inc.
Agent: N/A
Location: 546 Woolwich Street

In Attendance: **Alex Shcolyar**
 Wendy Thompson
 Len Bickerton

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

The Committee had no questions for the owner.

No members of the public spoke.

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

Moved by D. Kendrick
Seconded by D. Gundrum

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 6.1.3.18.1 of Zoning By-law (1995)-14864, as amended, for 546 Woolwich Street, to permit a convenience store as an additional permitted use on the subject property, when the By-law permits a vehicle service station as the only permitted use within the C.1-18 Zone, be **APPROVED**, subject to the following condition:

1. That the proposed Convenience Store use be limited in size (area) to 122 square metres.

REASONS:

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

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

Application: **A-26/18**
Owner: **2522936 Ontario Inc.**
Agent: **Caroline Baker, GSP Group Inc.**

Location: 107 Westra Drive

In Attendance: Caroline Baker
Kelley des Tombe
Lien Dang
Ali Murad
Ravijeet Dang
Sukhbir Singh Jassal
Snjezana Masnikosa

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

Ms. C. Baker outlined the application with a Powerpoint presentation. She indicated that the variances are solely related to phase two of the development.

In response to a question from member S. Dykstra, Ms. C. Baker responded that there are no major outstanding issues in regards to site plan approval for phase one of the development. Planner L. Sulatycki added that a preliminary site plan submission has been received for phase two and that staff have been working with the applicant on the phase two development for over a year and that it is an appropriate time to come forward with this minor variance application.

Member S. Dykstra recommended that a condition be added to ensure that the setbacks reflect those as outlined in the public notice drawings. Ms. C. Baker indicated she was in agreement with the proposed condition.

Mr. A. Murad, resident of 92 Westra Drive, outlined concerns regarding parking, density, and the lack of a secondary access.

Mr. R. Dang, resident of 100 Westra Drive, outlined concerns regarding compatibility with the existing neighbourhood, issues with construction traffic including vehicle speed and dust, site density, and the amount of parking required. He also expressed concerns about lack of on-street parking, the parking of contractor vehicles outside the site, and on-site snow storage.

Ms. L. Dang, resident of Westra Drive, outlined concerns regarding the density of the site, parking, and was unclear on where the entrance to the development is proposed.

Ms. S. Masnikosa, resident of 96 Westra Drive, outlined concerns about density of the site and the compatibility of the development with the existing dwellings in the neighbourhood.

Mr. S. Jassal outlined concerns about the type of development proposed, the traffic generated, the small width of the existing street, and the safety of children playing in a nearby park.

Ms. C. Baker responded to these concerns by explaining that the property is designated as medium density residential in the R.3A zone. She clarified that at the time the adjacent dwellings were purchased, the current owner was not in ownership of the subject property at that time. She explained that the stacked townhouses are within the permitted use and density of the Zoning By-law. She indicated that 72 units are proposed and more than 72 parking spaces are provided, as most units have a driveway with a garage, thereby

providing two parking spaces per unit. She clarified that snow storage has been addressed through the site plan process and some storage will be provided on-site and some trucked off-site. She acknowledged that topsoil is currently being removed from the site requiring construction vehicles to park off-site, but that within a month construction vehicles will be able to park on-site. She indicated that the proposed amenity space on the subject site is twice the size required.

In response to questions from member D. Gundrum, Planner L. Sulatycki responded that the property was rezoned in 1996 and was unsure if a Traffic Impact Study was completed at that time. She clarified that a Traffic Impact Study is usually not required for site plan approval when the site was already adequately zoned for the proposed use.

In response to questions from member D. Kendrick, Planner L. Sulatycki responded that the proposed development is within the density range and meets the parking requirements outlined in the Zoning By-law.

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

Moved by S. Dykstra
Seconded by D. Gundrum

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 Sections 5.3.2.5.1 a), b), c), 5.3.2.5.2 a), 5.3.2.3.1 and 5.3.2.3.4 of Zoning By-law (1995)-14864, as amended, for 107 Westra Drive, to permit:

- a) a minimum ground level private amenity area of 7.2 square metres for Buildings A and B, when the By-law requires a private amenity area for a ground level stacked townhouse unit to have a minimum area of 20.0 square metres;
- b) removing the required ground level private amenity area depth and width requirements for Buildings A and B, when the By-law requires a private amenity area for a ground level stacked townhouse unit to have a minimum depth (from the wall of the dwelling unit) of 4.5 metres, and a minimum width equal to the width of the unit when the unit layout permits, and if the preceding cannot be accomplished, the minimum width shall be 4.5 metres;
- c) a minimum private amenity area for stacked townhouse units above grade of 5.0 square metres, when the By-law requires a private amenity area for a stacked townhouse unit above grade to have a minimum area of 10.0 square metres;
- d) a minimum distance of 10.0 metres between the face of Buildings A and C and Buildings B and D, when the By-law requires that the distance between the front, exterior side and rear face of another building, each of which contains windows to habitable rooms shall in no case be less than 15.0 metres; and
- e) a minimum setback of 8.5 metres from a private amenity area in Buildings A and B to a wall in Buildings C or D, which contains windows of habitable rooms which face the private amenity area, when the By-law requires that no part of a private amenity area shall be located within 10.5 metres of a wall in

another building containing windows of habitable rooms which face the private amenity area,

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

1. That the setbacks shall only apply to the locations as shown and generally in accordance with the public notice sketch.

REASONS:

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

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

Applications: B-17/17 and B-18/17

Owner: David Schenkel and Michelle Cali

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

Location: 69 Lowes Road

In Attendance: Nancy Shoemaker
Dave Schenkel
Mary Jane Schenkel
Bill Schenkel

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

Ms. N. Shoemaker briefly explained the application and advised that many of the engineering reports and plans mentioned in the recommended conditions have already been submitted. In response to the comments from Engineering, she said the site is being monitored for high ground water conditions and the proposed dwellings can be developed either with or without basements. She indicated that she is satisfied that the proposed conditions can be completed in the one year timeframe.

The Committee had no questions for the agent.

No members of the public spoke.

Application B-17/17

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 S. Dykstra
Seconded by D. Kendrick

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Block 14, Registered Plan 467, municipally known as 69 Lowes Road, a parcel with frontage along Dawn Avenue of 15.0 metres and an area of 597.8 square metres, be **APPROVED**, subject to the following conditions:

1. That a site plan shall be submitted to, and approved by the General Manager of Planning, Urban Design, and Building Services, 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 dwelling;
 - b. Grading, drainage and servicing information.
2. That prior to the issuance of a building permit, elevation and design drawings for the new dwellings on the "severed" and "retained" parcels shall be submitted to, and approved by the General Manager of Planning, Urban Design, and Building Services.
3. That prior to the issuance of the Certificate of Official, the existing house shall be demolished.
4. That prior to the issuance of the Certificate of Official, 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.
5. Prior to issuance of the Certificate of Official, the owner(s) agrees to enter into a development agreement, which would include but not be limited to such things as servicing condition, groundwater condition, construction conditions.
6. Prior to issuance of the Certificate of Official, the owner(s) agrees to satisfy all the engineering requirements and ensures that the proposed design is in accordance with recognized best management practices, Provincial Guidelines, and the City's engineering guidelines.
7. Prior to issuance of the Certificate of Official, the owner(s) agrees to provide and obtains approval from the City's Engineering Department on the following documents:
 - a. Stormwater management report
 - b. Ground water measurements and capture the seasonal high.
 - c. Grading / Servicing Plan
 - d. Erosion & Sediment Control Plan

- e. Pre-Development Plan
 - f. Post-Development plan
 - g. Plan and Profiles and design sheets for the proposed sanitary sewer.
 - h. A cost estimate for the work within the City right-of-way is to be prepared by the consulting engineer using the City's cost estimate Excel spreadsheet.
8. Prior to the issuance of the Certificate of Official, the owner(s) agrees to provide any additional documents, reports, plans, required by the Engineering Department to support the proposed development.
 9. Prior to issuance of the Certificate of Official, the owner(s) shall satisfy the City with respect to managing the expected high groundwater conditions. The owner(s) is advised that basements may not be permitted in this development.
 10. Prior to the issuance of the Certificate of Official, the owner(s) shall pay the initial estimated cost for all construction works within the City's right of way as approved in the cost estimate.
 11. Prior to the issuance of the Certificate of Official, the owner(s) shall pay actual cost of construction for all works within the City's right of way, including restoration costs.
 12. Prior to the issuance of the Certificate of Official, the owner(s) shall design Lowes Road improvements i.e. sidewalk and shall pay for the cost of construction.
 13. Prior to the issuance of the Certificate of Official, the owner(s) agrees to obtain a consent letter from the adjacent land owner for draining stormwater into the adjacent property.
 14. Prior to the issuance of the Certificate of Official, the owner(s) shall be responsible for the cost of design, development and implementation (including planting) of the Street Tree Planting Plan in accordance with City specifications.
 15. Prior to the issuance of the Certificate of Official, the owner(s) shall obtain an Environmental Compliance Approval (ECA) from the Ministry of Environment and Climate Change (MOECC).
 16. Prior to the issuance of the Certificate of Official, the Owner(s) shall ensure that any domestic wells located within the lands be properly decommissioned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer. Any boreholes drilled for hydrogeological or geotechnical investigations must also be properly abandoned.
 17. That the owner(s) constructs the new dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.

18. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, as per the approved plan.
19. That the owner(s) shall have an Ontario Land Surveyor prepare a survey of both the retained lands and the severed lands to identify the new property line(s), prior to the issuance of the Certificate of Official.
20. That the owner(s) makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of a building permits.
21. That the owner(s) shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of hydro service to the said lands, prior to the issuance of a building permit.
22. The owner(s) shall ensure that all telephone service and cable TV service is available to the lands. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of utility services, prior to the issuance of a building permit.
23. The Owner shall be responsible for the payment of cash-in-lieu of parkland dedication to the satisfaction of the Deputy CAO of Public Services pursuant to s. 51.1 and s. 53(13) of the *Planning Act* prior to the issuance of the Certificate of Official.
24. Prior to the issuance of the Certificate of Official by the City, the Owner shall provide to the Deputy CAO of Public Services a satisfactory short narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the payment of cash-in-lieu of parkland dedication pursuant to s.51.1 and s.53(13) of the Planning Act. The short narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services. Notwithstanding the foregoing, if the short narrative appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services, acting reasonably, the City reserves the right to obtain an independent short narrative appraisal for the purposes of calculating the payment of cash-in-lieu of parkland dedication.
25. That prior to issuance of a building permit, the applicant makes arrangements for provision of underground hydro servicing to the severed parcels, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. This would be at the applicant's expense.
26. 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 issuance of the Certificate of Official.
27. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building

permit (if applicable), whichever occurs first.

28. That prior to the issuance of the Certificate of Official, 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 deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).
29. That upon fulfilling and complying with all of the above-noted conditions, the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

REASONS:

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

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

Application B-18/17

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 S. Dykstra
Seconded by D. Kendrick

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Block 14, Registered Plan 467, municipally known as 69 Lowes Road, a parcel with frontage along Dawn Avenue of 15.0 metres and an area of 593.3 square metres, be **APPROVED**, subject to the following conditions:

1. That a site plan shall be submitted to, and approved by the General Manager of Planning, Urban Design, and Building Services, prior to the issuance of a building permit for the new dwellings on the "severed" and "retained" parcels indicating:
 - c. The location and design of the new dwelling;
 - d. Grading, drainage and servicing information.

2. That prior to the issuance of a building permit, elevation and design drawings for the new dwellings on the "severed" and "retained" parcels shall be submitted to, and approved by the General Manager of Planning, Urban Design, and Building Services.
3. That prior to the issuance of the Certificate of Official, the existing house shall be demolished.
4. That prior to the issuance of the Certificate of Official, 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.
5. Prior to issuance of the Certificate of Official, the owner(s) agrees to enter into a development agreement, which would include but not be limited to such things as servicing condition, groundwater condition, construction conditions.
6. Prior to issuance of the Certificate of Official, the owner(s) agrees to satisfy all the engineering requirements and ensures that the proposed design is in accordance with recognized best management practices, Provincial Guidelines, and the City's engineering guidelines.
7. Prior to issuance of the Certificate of Official, the owner(s) agrees to provide and obtains approval from the City's Engineering Department on the following documents:
 - i. Stormwater management report
 - j. Ground water measurements and capture the seasonal high.
 - k. Grading / Servicing Plan
 - l. Erosion & Sediment Control Plan
 - m. Pre-Development Plan
 - n. Post-Development plan
 - o. Plan and Profiles and design sheets for the proposed sanitary sewer.
 - p. A cost estimate for the work within the City right-of-way is to be prepared by the consulting engineer using the City's cost estimate Excel spreadsheet.
8. Prior to the issuance of the Certificate of Official, the owner(s) agrees to provide any additional documents, reports, plans, required by the Engineering Department to support the proposed development.
9. Prior to issuance of the Certificate of Official, the owner(s) shall satisfy the City with respect to managing the expected high groundwater conditions. The owner(s) is advised that basements may not be permitted in this development.
10. Prior to the issuance of the Certificate of Official, the owner(s) shall pay the initial estimated cost for all construction works within the City's right of way as approved in the cost estimate.
11. Prior to the issuance of the Certificate of Official, the owner(s) shall pay actual cost of construction for all works within the City's right of way, including restoration costs.

12. Prior to the issuance of the Certificate of Official, the owner(s) shall design Lowes Road improvements i.e. sidewalk and shall pay for the cost of construction.
13. Prior to the issuance of the Certificate of Official, the owner(s) agrees to obtain a consent letter from the adjacent land owner for draining stormwater into the adjacent property.
14. Prior to the issuance of the Certificate of Official, the owner(s) shall be responsible for the cost of design, development and implementation (including planting) of the Street Tree Planting Plan in accordance with City specifications.
15. Prior to the issuance of the Certificate of Official, the owner(s) shall obtain an Environmental Compliance Approval (ECA) from the Ministry of Environment and Climate Change (MOECC).
16. Prior to the issuance of the Certificate of Official, the Owner(s) shall ensure that any domestic wells located within the lands be properly decommissioned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer. Any boreholes drilled for hydrogeological or geotechnical investigations must also be properly abandoned.
17. That the owner(s) constructs the new dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
18. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, as per the approved plan.
19. That the owner(s) shall have an Ontario Land Surveyor prepare a survey of both the retained lands and the severed lands to identify the new property line(s), prior to the issuance of the Certificate of Official.
20. That the owner(s) makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of a building permits.
21. That the owner(s) shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of hydro service to the said lands, prior to the issuance of a building permit.
22. The owner(s) shall ensure that all telephone service and cable TV service is available to the lands. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of utility services, prior to the issuance of a building permit.
23. The Owner shall be responsible for the payment of cash-in-lieu of parkland dedication to the satisfaction of the Deputy CAO of Public Services pursuant

to s. 51.1 and s. 53(13) of the *Planning Act* prior to the issuance of the Certificate of Official.

24. Prior to the issuance of the Certificate of Official by the City, the Owner shall provide to the Deputy CAO of Public Services a satisfactory short narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the payment of cash-in-lieu of parkland dedication pursuant to s.51.1 and s.53(13) of the Planning Act. The short narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services. Notwithstanding the foregoing, if the short narrative appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services, acting reasonably, the City reserves the right to obtain an independent short narrative appraisal for the purposes of calculating the payment of cash-in-lieu of parkland dedication.
25. That prior to issuance of a building permit, the applicant makes arrangements for provision of underground hydro servicing to the severed parcels, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. This would be at the applicant's expense.
26. 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 issuance of the Certificate of Official.
27. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
28. That prior to the issuance of the Certificate of Official, 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 deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).
29. That upon fulfilling and complying with all of the above-noted conditions, the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

REASONS:

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

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related

to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

Application: A-27/18
Owner: Tyler Schad Pettipiere
Agent: Paul Meier, Pioneer Craftsmen Ltd.
Location: 14 London Road West
In Attendance: Paul Meier

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

The Committee had no questions for the agent.

No members of the public spoke.

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

Moved by D. Kendrick
Seconded by S. Dykstra

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 14 London Road West, to permit a right side yard setback of 0.8 metres for the proposed second storey addition to the existing dwelling, when the By-law requires a minimum side yard setback of 1.5 metres, be **APPROVED**, subject to the following condition:

1. That the 0.8 metre setback shall only apply to the location as shown and generally in accordance with the Public Notice sketch.

REASONS:

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

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act,

have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

Application: A-29/18
Owner: 2599211 Ontario Inc.
Agent: Dan Baker, Taste Fine Foods
Location: 728-732 York Road
In Attendance: Dan Baker

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

The Committee had no questions for the agent.

No members of the public spoke.

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

Moved by S. Dykstra
Seconded by D. Gundrum

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 6.4.3.2.10.1 of Zoning By-law (1995)-14864, as amended, for 728-732 York Road, to permit a catering service as an additional permitted use on the subject property, when the By-law permits a variety of uses in the SC.2-10 Zone but does not currently permit a catering service, be **APPROVED**, subject to the following condition:

1. That the catering service establishment be limited in floor area to the existing unit as shown on the attached Public Notice sketch.

REASONS:

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

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act,

have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

Application: A-30/18
Owner: Daniel and Anja Gangur
Agent: Stuart Bowen, Stuart Bowen Construction Ltd.
Location: 7 Oak Street
In Attendance: Stuart Bowen

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

In response to question from member S. Dykstra, Mr. S. Bowen confirmed that 3.75 metres is the shortest distance from the proposed sunroom to the rear lot line, and agreed with member S. Dykstra's recommendation that a variance of 3.7 metres be granted as the proposed sunroom appears to not be entirely parallel with the rear lot line. Planner M. Witmer agreed with this recommendation.

No members of the public spoke.

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. Gundrum
Seconded by D. Kendrick

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 8 of Zoning By-law (1995)-14864, as amended, for 7 Oak Street, to permit a rear yard setback of 3.7 metres for the proposed addition to the rear of the existing dwelling, when the By-law requires a minimum rear yard setback of 7.5 metres or 20% of the lot depth [being 5.48 metres], whichever is less, be **APPROVED**, subject to the following conditions:

1. That the rear yard setback variance shall only apply to a proposed sunroom addition, as shown in the sketch attached to the Public Notice.
2. That the sunroom addition be limited to one-storey in height.
3. Prior to issuance of a building permit, the owner agrees to provide a plot plan showing that the existing drainage patterns are maintained and that there is no adverse impact on the adjacent lands.

REASONS:

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

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

Application: A-31/18
Owner: Cara and Al Mursalin
Agent: Stuart Bowen, Stuart Bowen Construction Ltd.
Location: 51 Troy Crescent
In Attendance: Stuart Bowen

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

The Committee had no questions for the agent.

No members of the public spoke.

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

Moved by D. Kendrick
Seconded by D. Gundrum

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 51 Troy Crescent, to permit a rear yard setback of 4.31 metres for the proposed addition to the rear of the existing dwelling, when the By-law requires a minimum rear yard setback of 7.5 metres or 20% of the lot depth [being 5.82 metres], whichever is less, be **APPROVED**, subject to the following conditions:

1. That the rear yard setback variance shall only apply to a proposed sunroom addition, as shown in the sketch attached to the Public Notice.

2. That the sunroom addition be limited to one-storey in height.
3. Prior to issuance of a building permit, the owner agrees to provide a plot plan showing that the existing drainage patterns are maintained and that there is no adverse impact on the adjacent lands.

REASONS:

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

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

Application: A-32/18

Owner: Sharon Margaret Cunningham and James David Cunningham (Estate)

Agent: Kevin Thompson, SmithValeriot Law Firm LLP

Location: 14 Mayfair Court

In Attendance: Kevin Thompson
Beth Kis
Joan Moller
David Moller

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

The Committee had no questions for the agent.

Ms. J. Moller, resident at 15 Mayfair Court, expressed concerns about the limitations on accessory apartment sizes and the relationship to the safety of apartment residents.

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

Moved by S. Dykstra
Seconded by D. Gundrum

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 14 Mayfair Court, to permit an accessory apartment size of 92 square metres, or 38.6% of the total floor area of the building, 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 lesser, be **APPROVED**, subject to the following conditions:

1. That prior to the issuance a Building Permit, the applicant demonstrate to the satisfaction of the Chief Building Official or designate, that the area if the basement identified in this application as "UNFINISHED STORAGE AREA" will not have a finished floor, drywall and any other finishes to the ceiling or exterior walls. Further, if foam plastic insulation exists in the exterior wall, an alternative method of protection is provided for this insulation.
2. That the area of the basement identified in this application as "UNFINISHED STORAGE AREA" shall remain under the control of the host dwelling at all times.

REASONS:

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

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

Applications: B-11/18 and B-12/18
Owner: University of Guelph
Agent: Alfred Artinger, Reid's Heritage Homes Ltd.
Location: 69 Bayberry Drive
In Attendance: William Thompson
Evan Holt
Jennifer Mondell

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. W. Thompson, agent for the owner, responded that the sign was posted and comments were received.

The Committee had no questions for the agent.

No members of the public spoke.

Application B-11/18

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

Moved by D. Kendrick

Seconded by S. Dykstra

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, regarding Part of Lot 1, Concession 8 (Geographic Township of Puslinch), designated as Parts 2, 4, and 15 on Reference Plan 61R-10127 and Parts 1-14 and 21 on Reference Plan 61R-20949, municipally known as 69 Bayberry Drive, consent for:

- a) approval to break out the said lands from the Head Lease to create a new leasehold parcel for the 93 residential unit condominium building at 69 Bayberry Drive which would result from a new lease between University of Guelph and VBA Apartments Inc. to July 1, 2059 (the "Breakout Lease 5"); and
- b) approval to grant various specific easements within the Breakout Lease 5 for ingress and egress over other lands owned by the University of Guelph,

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

1. 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 issuance of the Certificate of Official.
2. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
3. That upon fulfilling and complying with all of the above-noted conditions, the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

REASONS:

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

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act,

have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

Application B-12/18

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

Moved by D. Kendrick
Seconded by S. Dykstra

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, regarding Part of Lot 1, Concession 8 (Geographic Township of Puslinch), designated as Parts 2, 4, and 15 on Reference Plan 61R-10127 and Parts 1-14 and 21 on Reference Plan 61R-20949, municipally known as 69 Bayberry Drive, consent for:

- a) approval for a Partial Determination and Surrender of the said lands from the original Head Lease dated September 12, 1996 (RO758372) and the amended and restated Head Lease dated November 7, 2003 (WC45084); and
- b) approval for a Partial Discharge of the existing Canadian Imperial Bank of Commerce mortgage no. WC60154 from the lands as it related to the Head Lease,

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

1. 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 issuance of the Certificate of Official.
2. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
3. That upon fulfilling and complying with all of the above-noted conditions, the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

REASONS:

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

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

Other Business

Secretary-Treasurer T. Di Lullo noted that the following correspondence was circulated to the members for their information:

- OMB Decision – File A-61/17 (705 Southgate Drive)
- OMB Hearing Date – File A-5/18 (92 Clough Crescent)
- Regulations related to the Local Planning Appeal Tribunal Act, 2017

Adjournment

Moved by D. Kendrick
Seconded by D. Gundrum

THAT the hearing of the Committee of Adjustment be adjourned at 4:52 p.m.

CARRIED

B. Birdsell
Chair

T. Di Lullo
Secretary-Treasurer