



COMMITTEE OF ADJUSTMENT MINUTES

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday, April 13, 2017 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

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

Regrets: K. Ash, Vice Chair
S. Dykstra

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 M. Bosch
Seconded by D. Kendrick

THAT the Minutes from the March 9, 2017 Regular Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Requests for Withdrawal or Deferral

There were no requests.

Current Applications

Application: A-18/17

Owner: Willow Court Ltd.

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

Location: 47-79 Willow Road

In Attendance: Nancy Shoemaker

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

Ms. N. Shoemaker explained the purpose of the application.

In response to a question from member D. Kendrick, Ms. N. Shoemaker replied that the students are primarily adults and it will primarily be an evening program.

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 M. Bosch
Seconded by P. Ross

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 6.2.1.2 of Zoning By-law (1995)-14864, as amended, for 47-79 Willow Road, to permit a school as an additional permitted use on the property, when the By-law permits a variety of uses in the Community Shopping Centre (CC) zone, but does not currently permit a school, be **APPROVED**, subject to the following condition:

1. That a school use operated by a public school board be limited to a total gross floor area of 344 square metres.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted condition, 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-19/17
Owner: Carbrid Enterprised Limited
Agent: Nancy Shoemaker, Black, Shoemaker, Robinson & Donaldson Limited
Location: 190 Nicklin Road
In Attendance: Nancy Shoemaker

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

Ms. N. Shoemaker outlined the application.

The Committee had no questions.

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 L. Janis

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 6.4.3.2.4.1 of Zoning By-law (1995)-14864, as amended, for 190 Nicklin Road, to permit an office as an additional permitted stand-alone use on the property, when the By-law permits a variety of uses in the Specialized Highway Service Commercial (SC.2-4) zone, but does not currently permit an office as a stand-alone use, be **APPROVED**, subject to the following condition:

1. That the stand-alone office use be limited to 297 square metres.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted condition, 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-20/17
Owner: Rohan Johnson
Agent: N/A
Location: 21 Milson Crescent
In Attendance: Rohan Johnson
Dianne Burton
Peighton Burton
Paige Burton
Mari-Len McHugh

Secretary-Treasurer T. Di Lullo advised that a revised public notice was circulated on March 31, 2017 to correct the public hearing notice to indicate that the location of the fence is in the left side yard. A copy of the revised notice was provided to the members. She also noted for the Committee that the notice sign was posted by the applicant nine (9) days prior to the hearing. Secretary-Treasurer T. Di Lullo noted that additional comments were received after the comment deadline from R. Mares, E. Osvald, E. and M. Mares, and T. Van Nguyen. Copies of the correspondence from these individuals were provided to the members.

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

Ms. D. Burton explained the purpose of the application and why the fence was constructed. Mr. R. Johnson clarified that the fence height is being maintained.

In response to a question from member P Ross, Planner L. Sulatycki indicated where the front yard and side yard begins. She clarified that no variance was needed for the front yard, only the interior side yard.

In response to question from member M. Bosch, Mr. R. Johnson indicated that the height of the existing cedar trees and fence in the front yard is not a concern as they have already been examined by City staff. Planner L. Sulatycki indicated that staff did measure the trees and existing wrought iron fence and all complies.

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 M. Bosch
Seconded by L. Janis

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.20.11 of Zoning By-law (1995)-14864, as amended, for 21 Milson Crescent, to permit a fence

located in the left side yard to be 2.15 metres high, when the By-law requires a fence located in the interior side yard to not exceed 1.9 metres in height, be **APPROVED**, subject to the following conditions:

1. That the variance shall only apply to the portion of the existing fence in the left side yard as shown on the Public Notice.
2. That prior to issuance of a building permit, the owner contacts the Technical Services Department of Guelph Hydro Electric Systems Inc. in regards to obtaining access to metering equipment.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions, 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-21/17**
Owner: **Kristen Alves**
Agent: **N/A**
Location: **8 Kearney Street**
In Attendance: **Kristen Alves**

Secretary-Treasurer T. Di Lullo advised that a revised public notice was circulated on March 31, 2017 to correct the public hearing notice to indicate that no construction on the existing dwelling is proposed. A copy of the revised notice was provided to the members. She indicated that Planning staff recommended revised wording for condition #1. The proposed wording 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. Ms. K. Alves, owner, replied that the sign was posted and comments were received.

Ms. K. Alves outlined the application.

In response to a question from member P. Ross, Ms. K. Alves indicated that the purpose of the application was to increase the width of the driveway to accommodate two side-by-side parking spaces. Planner L. Sulatycki indicated that for the dwelling and accessory apartment, two parking spaces are required in the driveway and one space is required in the garage. She said that a legal parking space is required to be at least 5 metres wide. She

clarified that after discussing with Forestry staff, wording requiring a Tree Inventory and Preservation Plan is no longer recommended as the driveway is only being widened slightly. Member P. Ross commented that similar condition wording could be used in the future regarding similar applications.

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 P. Ross
Seconded by D. Kendrick

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.13.7.2.3 of Zoning By-law (1995)-14864, as amended, for 8 Kearney Street, to permit a driveway width of 5 metres, when the By-law permits a maximum driveway width of 3.5 metres, be **APPROVED**, subject to the following condition:

1. That prior to widening the driveway, the applicant shall contact the Manager of Parks Operations and Forestry to discuss how to protect the City tree during construction.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted condition, 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-22/17
Owner: Chester Stone Properties
Agent: Glen Wellings, Wellings Planning Consultants
Location: 267 Exhibition Street
In Attendance: Glen Wellings
Nick Lieskai

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

Mr. G. Wellings explained the application.

In response to a question from member D. Kendrick, Mr. G. Wellings responded that the garage will project 3.7 metres beyond the front wall.

In response to a question from member M. Bosch, Planner M. Witmer responded that the curb cut is existing and rather than widening the curb cut, Engineering staff recommend the driveway be angled.

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 P. Ross

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Table 5.1.2 Rows 6 and 14, Section 5.1.2.7(i), Table 4.7 Row 3 and Section 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 267 Exhibition Street, to permit:

- a) a front yard setback of 5.9 metres, when the By-law requires a minimum front yard setback of 6 metres;
- b) the garage to project beyond the main front wall of the building, when the By-law requires that for those lots located within the boundaries indicated on Defined Area Map Number 66, attached garages shall not project beyond the main front wall of the building;
- c) an open roofed porch not exceeding 1 storey in height to project 3.5 metres into the required exterior side yard, when the By-law requires that an open, roofed porch not exceeding 1 storey in height project a maximum of 2.4 metres into the required exterior side yard; and
- d) a parking space to be 5.9 metres from the street line, when the By-law requires that every required parking space be located a minimum distance of 6 metres from the street line,

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

1. That prior to issuance of a building permit, the applicant makes arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the possible relocation of the existing overhead hydro service. This would be at the applicant's expense.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted condition, 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-8/17
Owner: Susan Yates & Ahti Aavasalmi
Agent: William Spira
Location: 82 Division Street
In Attendance: Ahti Aavasalmi
Bob Tutton
Cathy Tutton

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. Aavasalmi, owner, responded that the sign was posted and comments were received.

Mr. A. Aavasalmi explained that he has reviewed the recommended conditions and has been in contact with Guelph Hydro and has retained consultants to prepare the Tree Protection Plan.

In response to a question from member M. Bosch, Planner L. Sulatycki indicated that Tree Inventory Preservation Plans are recommended based on the impact to existing trees. She indicated she will contact Forestry staff to confirm if the impact is based on a certain distance.

Mr. B. Tutton, resident of 84 Division Street, clarified that the wooden fence that was shown on an initial drawing was actually the location of his 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 M. Bosch
Seconded by P. Ross

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 82 Division Street, to permit a right side yard setback of 0.9 metres, when the By-law requires a side yard setback of 1.5 metres, be **APPROVED**, subject to the following conditions:

1. That the addition be limited in height to one-storey.
2. That prior to the issuance of a building permit and prior to undertaking activities which may injure or destroy City trees, the applicant shall submit a Tree Inventory and Preservation Plan (TIPP) for approval to the satisfaction of the Manager of Parks Operation and Forestry.
3. That prior to issuance of a building permit, the applicant makes arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the possible relocation of the existing overhead hydro service. This would be at the applicant's expense.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions, 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-23/17
Owner: Highstreet Parkwood Apartments Ltd.
Agent: Dwaine Scheerer, WSP
Location: 3 Candlewood Drive
In Attendance: Christina Wilson
Peter Curtis

Secretary-Treasurer T. Di Lullo advised that a revised public notice was circulated on March 31, 2017 to correct the circulation map. A copy of the revised notice was provided to the members. She indicated that additional comments were received after the comment deadline from Ms. B. Rea. A copy of the correspondence was provided to the members.

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

Ms. C. Wilson explained the application and clarified that through the site plan process, it was asked that the two lots be consolidated.

The Committee had no questions.

Mr. P. Curtis, neighbour, indicated he was opposed to the application due to the proximity to his residence and the impact on his privacy.

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

Moved by D. Kendrick
Seconded by P. Ross

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.4.2 Row 9 of Zoning By-law (1995)-14864, as amended, for 3 Candlewood Drive, to permit a rear yard setback of 7 metres, when the By-law requires a minimum rear yard setback equal to 20% of the lot depth or one-half of the building height, whichever is greater, but in no case less than 7.5 metres, be **APPROVED**, subject to the following conditions:

1. That prior to issuance of a building permit, the applicant makes arrangements for provision of 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 applicant's expense.
2. That prior to the issuance of a building permit, the owner makes satisfactory arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the servicing of the new lot. The owner must also maintain 1.5m clearance of the proposed new driveway to the Guelph Hydro pole located on Candlewood Drive. If 1.5m clearance cannot be maintained, Guelph Hydro will relocate the pole at the owner's expense.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions, 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: B-6/17
Owner: Anna Mrowca
Agent: N/A
Location: 14 Forbes Avenue
In Attendance: Anna Mrowca
Huy Chhor

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

Ms. A. Mrowca explained that she previously received consent approval, but the application lapsed. She indicated she was in agreement with the recommended conditions.

In response to a question from member L. Janis, Ms. A. Mrowca responded that the application lapsed due to some confusion with her representative about who was taking responsibility for clearing conditions and the length of time it took for the bank to sign the agreement.

In response to a question from member P. Ross, Ms. A. Mrowca responded that the breezeway has already been removed and there is a temporary fence for a dog. Planner L. Sulatycki indicated she was in agreement with this condition being removed.

In response to a question from member M. Bosch, Planner L. Sulatycki indicated that for the condition requiring a Tree Inventory and Preservation Plan, the applicant will need to consult with staff if any trees are being impacted within the City's right-of-way. Ms. A. Mrowca indicated that she already has a report from a consultant regarding the Tree Inventory and Preservation Plan.

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 P. Ross
Seconded by M. Bosch

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Registered Plan 37, Lot 2 and Part Lot 1, to be known municipally as 12 Forbes Avenue, a parcel with frontage along Forbes Avenue of 19.3 metres, a depth of 40.3 metres, and an area of 777.8 square metres, be **APPROVED**, subject to the following conditions:

1. That prior to the issuance of a building permit and prior to undertaking activities which may injure or destroy City trees, the applicant submit a Tree Inventory and Preservation Plan (TIPP) for approval to the satisfaction of the Manager of Parks Operation and Forestry.

2. 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.
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 63.32 feet (19.30 metres) of frontage on Forbes Avenue.
4. That prior to endorsation of the deeds, the owner should remove and/or relocate the portion of the existing hedge-row from the Forbes Avenue and Fairview Boulevard right-of-way to the property line; and pays all of the costs associated with the removal and/or relocation of the portion of the existing hedge-row that encroaches on the Forbes Avenue and Fairview Boulevard right-of-way; or if the owner wishes to keep the portion of the existing hedge-row in its present location, we request that the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of the existing hedge-row on the Forbes Avenue and Fairview Boulevard right-of-way, prior to endorsation of the deeds.
5. That the owner pays the actual cost of constructing new sanitary and water service laterals to the severed lands including the cost of any curb cuts or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
6. That prior to the issuance of a building permit, the owner shall pay the flat rate charge established by the City, to be applied to tree planting for the proposed severed lands.
7. Prior to the issuance of a building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
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 with the City, satisfactory to the General Manager/City Engineer, prior to endorsation of the deeds.
10. That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.
11. The owner agrees to install sump pumps for the foundation drain; furthermore, all sump pumps must be discharged to the rear yard.
12. That the owner 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.

13. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of a building permits.
14. The owner shall ensure that all telephone service and cable TV service is available to the lands. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of utility services, prior to the issuance of a building permit.
15. 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.
16. The Owner shall be responsible for the payment of cash-in-lieu of parkland dedication to the satisfaction of the Deputy CAO of Public Services pursuant to s. 51.1 and s. 53(13) of the Planning Act prior to the endorsement of the Transfer (deed).
17. Prior to the endorsement of the Transfer (deed) by the City, the Owner shall provide to the Deputy CAO of Public Services a satisfactory short narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the payment of cash-in-lieu of parkland dedication pursuant to s.51.1 and s.53(13) of the Planning Act. The short narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services. Notwithstanding the foregoing, if the short narrative appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services, acting reasonably, the City reserves the right to obtain an independent short narrative appraisal for the purposes of calculating the payment of cash-in-lieu of parkland dedication.
18. That prior to issuance of a building permit, the applicant makes arrangement for provision of the hydro servicing to the severed parcel, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the applicant's expense.
19. That upon fulfilling and complying with all of the above-noted conditions, the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement.
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.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions, 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-24/17
Owner: Guelph Land Holdings Inc.
Agent: Bobby Gauthier, WSP Canada Inc.
Location: 35 Cooper Drive
In Attendance: Bobby Gauthier
Jeff McKinnon
Barb Maly

Secretary-Treasurer T. Di Lullo advised that a revised public notice was circulated on March 31, 2017 to correct the circulation map. A copy of the revised notice 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. Gauthier, agent for the owner, replied that the sign was posted and comments received.

Mr. B. Gauthier explained the application.

In response to a question from member M. Bosch, Mr. B. Gauthier responded that the plant could be expanded in the future as long as it met the required setbacks.

In response to concerns from member D. Kendrick, Planner L. Sulatycki clarified that a rezoning application is not required as the application is only adding a definition for a similar use for the purposes of this application only. She indicated that the circulation distance would be 120 metres if this was a rezoning application. Member D. Kendrick stated he was concerned that this application required a rezoning application.

Mr. B. Gauthier indicated that under Section 45(2) of the Planning Act, the Committee can add a permitted use where the Committee considers that use to be similar to the uses permitted in the zone.

In response to a question from member M. Bosch, Planner L. Sulatycki noted that this application is different than File A-18/17 considered earlier as the issue in that instance was who was operating the school. She stated that for this application, the use proposed is similar to a manufacturing use. Planner L. Sulatycki noted the circulation map was amended to include the entire property.

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 M. Bosch

Seconded by L. Janis

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 7.3.2.6.1 of Zoning By-law (1995)-14864, as amended, for 35 Cooper Drive, to permit a hydroponic growing facility as an additional permitted use on the property, when the By-law permits a variety of uses in the B.2-6 (Specialized Industrial) zone, but does not currently permit a hydroponic growing facility, be **APPROVED**, subject to the following condition:

1. That for the purpose of this variance application, a hydroponic growing facility be defined as: "a multi-level vertical farming operation which produces food in vertically stacked layers within a closed building."

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted condition, 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-25/17

Owner: Andree Lapointe

Agent: Graeme Kobayashi, Catalyst General Contracting

Location: 35 Brighton Street

**In Attendance: Andree Lapointe
Katie Hebert
Graeme Kobayashi**

Secretary-Treasurer T. Di Lullo advised that revised staff comments were circulated on April 10, 2017 to include a condition requiring the home occupation (bakery) only be used for the preparation of goods, and that the consumption and sale of all goods to and by the public occur off site. A copy of the revised comments were provided to the members.

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

Ms. A. Lapointe explained the application. She clarified that her daughter is her business partner and does not reside at the subject property.

In response to a question from member L. Janis, Ms. A. Lapointe responded that she does not believe industrial vents are required.

In response to a question from member D. Kendrick, Planner M. Witmer confirmed that the accessory apartment ceases for the time being as the kitchen is being converted.

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 M. Bosch
Seconded by P. Ross

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.19.1(ii) of Zoning By-law (1995)-14864, as amended, for 35 Brighton Street, to permit a 15.36 square metre bakery in the 94.19 square metre basement, which equals 16.31% of the basement floor area, when the By-law requires that where the home occupation has a non-resident employee, partner or associate, a maximum of 10% of the floor area of the basement may be occupied by a home occupation, to a maximum of 33 square metres, be **APPROVED**, subject to the following condition:

1. That the home occupation (bakery) only be used for the preparation of goods, and that the consumption and sale of all goods to and by the public occur off site.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted condition, this application conforms with Section 45(2) of the Planning Act and 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-26/17**

Owner: **Steeves & Rzema Group**

Agent: **Corinne Maloney, Grinham Architects**

Location: **2 Quebec Street**

In Attendance: **Corinne Maloney**
 David Williams
 Alexander Stevenson
 Tom Lammer

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. Maloney, agent for the owner, responded that the sign was posted and comments received.

Ms. C. Maloney outlined the application.

In response to a question from member L. Janis, Ms. C. Maloney responded that the units are a variety of sizes ranging from just over 600 square feet to 1500 square feet.

In response to a question from member D. Kendrick, Ms. C. Maloney responded that all 90 parking spaces are occupied and 11 parking spaces will be used by the second floor tenants.

In response to a question from member P. Ross, Mr. D. Williams responded that the parking spaces are all used by residential tenants, except for 12 parking spaces currently used by commercial tenants. He indicated that he was not aware of any of the spaces being rented out.

In response to a question from member L. Janis, Mr. D. Williams clarified the 11 spaces are currently used for the second floor tenants plus another is used for the building manager and may be given to a tenant, for a total of 12 spaces.

In response to a question from member M. Bosch, Ms. C. Maloney responded that the difference is two parking spaces. Planner M. Witmer explained that the application is requesting no additional parking spaces for the new residential units and that office uses in this area are not required to provide parking; however, residential uses do have to provide parking in this zone. Mr. D. Williams stated that either 11 or 12 of the existing parking spaces will be dedicated to the new residential units.

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 P. Ross

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 6.3.3.1.2.1.1 of Zoning By-law (1995)-14864, as amended, for 2 Quebec Street, to permit zero additional parking spaces, when the By-law requires that any additional dwelling units created after January 1, 1974 shall require parking spaces at the rate of 1 space per dwelling unit, be **APPROVED**.

REASONS:

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

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-27/17
Owner: Terra View Construction Ltd.
Agent: Tracy Lesperance, Van Harten Surveying Inc.
Location: 216 Carrington Drive
In Attendance: Tracy Lesperance

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

Ms. T. Lesperance explained the application.

The Committee had no questions.

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 M. Bosch

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.13.7.2.1 of Zoning By-law (1995)-14864, as amended, for 216 Carrington Drive, to permit a driveway width of 6.5 metres, when the By-law requires a maximum driveway width of 5 metres in a Specialized Residential Single Detached (R.1D) zone, be **APPROVED**, subject to the following condition:

1. That prior to issuance of a building permit, the owner contact the Technical Services Department of Guelph Hydro Electric Systems Inc. in regards to our underground plant.

REASONS:

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

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

There was no other business.

Adjournment

Moved by D. Kendrick
Seconded by L. Janis

THAT the hearing of the Committee of Adjustment be adjourned at 5:17 p.m.

CARRIED

B. Birdsell
Chair

T. Di Lullo
Secretary-Treasurer