



**COMMITTEE OF ADJUSTMENT
MINUTES**

The Committee of Adjustment for the City of Guelph held its Regular Hearing on Thursday April 26, 2018 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

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

Regrets: K. Ash, Vice Chair
P. Ross

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

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by S. Dykstra
Seconded by D. Gundrum

THAT the Minutes from the April 12, 2018 Regular Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Requests for Withdrawal or Deferral

Applications: B-9/18, B-10/18 and A-34/18
Owner: Paul and Maria Leombruni
Agent: Jeff Buisman, Van Harten Surveying Inc.
Location: 1 and 15 Stevenson Street North and 8 William Street
In Attendance: N/A

Secretary- Treasurer T. Di Lullo indicated that the agent had submitted correspondence indicating agreement with the deferral recommendation.

Files B-9/18 and B-10/18

Moved by D. Kendrick

Seconded by L. Janis

THAT Applications B-9/18 and B-10/18 for 1 and 15 Stevenson Street North and 8 William Street be **DEFERRED** sinedie, and in accordance with the Committee's policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of the applications.

REASONS:

These applications are deferred to allow the applicant time to further consult with staff.

File A-34/18

Moved by L. Janis

Seconded by D. Gundrum

THAT Application A-34/18 for 8 William Street be **DEFERRED** sinedie, and in accordance with the Committee's policy on applications deferred sinedie, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of the application.

REASONS:

This application is deferred to allow the applicant time to further consult with staff.

Current Applications

Applications: B-19/14, A-57/14 and A-58/14

Owner: The Homewood Corporation

Agent: Hugh Handy, GSP Group Inc.

Location: 49 Emma Street and 112, 148 and 150 Delhi Street

In Attendance:

**Agnes Bajkai
Caroline Baker
Ian Findlay
Steve Gilmar
Richard Hammond
Hugh Handy
Ron Koudys
Jessica Linten
Brenda MacElwain**

**Evan Manuiz
Sarah McConnell
Carol McMullen
Michael Oosterveld
Bonnie Rosser
Brad Schlegel
Rob Schlegel
Mary Thring
Al Van Leeuwen**

Secretary-Treasurer T. Di Lullo noted that the recommended conditions for the consent file were revised to include an additional condition from Heritage Planning. The additional recommended condition included a requirement for City Council to publish its intention to designate three heritage designation by-laws. A copy of the proposed condition wording and background was provided to the members.

Secretary-Treasurer T. Di Lullo also noted that correspondence was received after the comment deadline from P. and J. Marshall, residents of 209 Delhi Street, with concerns regarding traffic. A copy of the correspondence was provided to the Committee members.

Mr. B. Schlegel, representative of Schlegel Health Care, introduced the application and spoke about Homewood Health Centre and its projects.

Chair B. Birdsell questioned if the signs had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. H. Handy, agent, responded that the signs were posted and comments were received. Mr. H. Handy outlined the application with a PowerPoint presentation.

In response to questions from member S. Dykstra, Mr. H. Handy responded that the overall parking provided meets the Zoning By-law requirements and actually exceeds the requirements by 40 to 50 parking spaces. He indicated that the proposed access easement was limited to the area as shown on the drawing as it is already defined through the property. Mr. H. Handy confirmed that the primary access for the severed parcel will be from Delhi Street. Planner M. Witmer responded that the Traffic Impact Study prepared as part of the site plan process considered the access for the severed parcel to be off of Delhi Street.

In response to a question from member D. Gundrum, Mr. H. Handy responded that no objections had been received from the Grand River Conservation Authority.

Ms. M. Thring, resident on Arthur Street North, commended the property owner and City staff for their efforts to address concerns of the neighbours and explained the importance of the green space in this area. She explained that she had concerns about the purpose of the severance and the potential for future development on the severed parcel. She also outlined concerns about traffic and parking on Delhi Street as this area is used by emergency vehicles to access the nearby hospital.

Ms. S. McConnell, resident of 64 Emma Street, expressed concerns about trees being removed with no efforts at reforestation, as well as noise, air, and light pollution from the Emma Street parking lot. She also expressed concerns about parking locations during construction and increased traffic with the potential for more accidents. She indicated she had a proposal to relocate the parking lot access.

Ms. A. Bajkai, resident of 62 Emma Street, expressed concerns about the impact on the neighbouring residential area and how traffic will be managed on Delhi Street.

Chair B. Birdsell responded to the Emma Street residents by indicating that many of the issues were beyond the scope of the Committee and that light pollution can be addressed independently through City staff. In response to a question from Chair B. Birdsell, Ms. S. McConnell explained that she was not able to attend any of the other public meetings to explain her proposal. Chair B. Birdsell recommended that any proposals be provided to City staff as part of the site plan process.

Planner M. Witmer stated that he wished to introduce a new condition regarding a conservation easement. He indicated that he had reviewed the condition with Environmental Planning staff as well as with the applicant. The proposed wording was shown on the overhead projector and read aloud. He also proposed that the condition regarding the archeological assessment be revised regarding when the assessment needs to be completed and that this revision has been reviewed and supported by the Heritage Planner.

In response to concerns from member D. Kendrick about the wording of the additional proposed condition and the requirement placed on City Council, Heritage Planner S. Robinson explained that the intention of the condition regarding the heritage by-laws was to ensure that Council is given the opportunity to publish its intention to designate the three areas identified in the Homewood's Cultural Heritage Resource Evaluation Report and the Heritage Impact Assessment. Heritage Planner S. Robinson responded that he had no issues with the condition being amended to permit greater flexibility as per member D. Kendrick's suggestion.

Mr. H. Handy indicated he had no concerns with the proposed changes to the condition and was in support of the requirement for a conservation easement. He acknowledged that many of the issues raised by the neighbours are dealt with through the site plan approval process which is not a public process. He indicated that any future development that is not permitted by the Zoning By-law would be part of a public process in the future.

Application B-19/14

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 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 Part Lot 10 Concession 1 Division F, (formerly Township of Guelph), Part Road Allowance between Lot 10 Concession 1, Division F (formerly Township of Guelph) and Broken Front Lot 2, Division F (formerly Township of Guelph); and Lot 25 South West Side of King Street, Plan 40; Lot 26 South West Side of King Street, Plan 40; Part Lot A, Plan 40, as in CS46446; and Part Lot 10, 11, 12 and 13 First Range Division F, Part Lot 2 Broken Front Division F, Part Road Allowance between Broken Front Division F and first range Division F closed by unregistered bylaw 74 designated as Parts 8, 9, 10, 11, 12 and 13, 61R-11639, Lot 1 Plan 221; City of Guelph, municipally known as 112, 148, and 150 Delhi Street and 49 Emma Street, a parcel with frontage along Delhi Street of 209.6 metres and Arthur Street of 12.0 metres, and an area of 5.9 hectares, along with an easement for purposes of vehicular access over the retained parcel in favour of the severed parcel with an average width of 5.0 metres and an average length of 550 metres, be **APPROVED**, subject to the following conditions:

1. That prior to the issuance of the Certificate of Official, a plan of survey is provided which confirms no development in the floodplain to the satisfaction of the General Manager of Planning, Urban Design and Building Services.

2. That prior to the issuance of the Certificate of Official, a digital .pdf file of the Homewood Health Centre Consent for Severance Scoped EIS authored by Natural Resource Solutions Inc. and dated January 2018 with the addition of the response to comments from March 11, 2016 (collated into the report) is provided to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
3. That prior to the issuance of the Certificate of Official, the owner enters into an agreement with the City, registered on title, containing the following commitments:
 - a. That the Stage 4 Archaeological Mitigation Assessments for the areas known as 'H1 West AjHb-83' and 'H2 East AbHb-84' be completed by a licensed archaeologist prior to the issuance of a site alteration permit or building permit for works in said areas on the retained parcel and 147 Delhi Street and have the Stage 4 Archaeological Mitigation Assessment(s) accepted by the General Manager of Planning, Urban Design and Building Services.
 - b. The owner agrees that prior to site plan approval, to enter into a separate off-site parking agreement on the titles of both the retained parcel and 147 Delhi Street, to further guarantee that the land required for off-street parking in the City's current Zoning By-law shall continue to be used for such purpose until such time as the owner of the retained parcel is able to sufficiently provide alternate off-street parking spaces.
4. That prior to the issuance of the Certificate of Official, the Owner enters into a Conservation Easement with the City, registered on title of the Severed and Retained Parcels by way of reference plan to the satisfaction of the General Manager of Planning, Urban Design and Building Services and Owner. The Conservation Easement shall:
 - a. Only apply to land identified as Natural Heritage System on Map 3 (Vegetation Communities and Natural Features) and that fall with "woodlot 1" on Map 2 (Monitoring stations) in the Homewood Health Centre Consent for Severance Scoped Environmental Impact Study, dated January 2018.
 - b. Prescribe a Management Plan, prepared in consultation with City Environmental Planning Staff, to maintain the ecological function of the woodland, focused on detailing permitted and prohibited uses and activities within the woodland.
5. 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). Cash-in-lieu will be collected at a rate of 2% of the land value of the 5.9 ha area of land to be severed. For the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent is given.
6. 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.

7. That prior to the issuance of the Certificate of Official, Council publishes whether or not it intends to designate three (3) heritage designation by-laws under Part IV of the Ontario Heritage Act as outlined in the Cultural Heritage Resource Evaluation Report (ERA Architects, February 2018).
8. 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.
9. 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.
10. 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).
11. 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-57/14

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, variances from the requirements of Table 8.2 Rows 3, 5, and 6, and Section 4.13.1 of Zoning By-law (1995)-14864, as amended, for 112, 148, and 150 Delhi Street and 49 Emma Street, to permit:

- a) a front yard setback of 0 metres for the existing buildings and structures along Arthur Street, when the By-law requires a minimum front yard of 6 metres;
- b) a rear yard setback of 0 metres for the existing buildings and structures along the northern property line, when the By-law requires a minimum rear yard of 7.5 metres or one-half the building height, whichever is greater;
- c) a side yard setback of 0 metres for the existing buildings or structures along the southern property line, when the By-law requires a minimum side yard of 6 metres or one-half the building height, whichever is greater; and
- d) 22 of 35 required off-street parking spaces for the severed parcel to be located on the retained parcel, when the By-law requires that every off-street parking area shall be located on the same lot as the use requiring the parking and shall not infringe on or obstruct any required loading spaces,

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

1. That Consent Application B-19/14 receives final certification of the Secretary-Treasurer and be registered on title.

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-58/14

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, variances from the requirements of Table 8.2 Rows 3 and 4, and Section 4.13.1 of Zoning By-law (1995)-14864, as amended, for 112, 148, and 150 Delhi Street and 49 Emma Street, to:

- a) permit an exterior side yard setback of 4.7 metres along Delhi Street, when the By-law requires a minimum exterior side yard of 6 metres;
- b) remove the required exterior side yard setbacks along Delhi Street for all buildings and structures, when the By-law requires a minimum exterior side yard of 6 metres and a maximum exterior side yard of 20 metres; and
- c) permit the off-street parking area provided on the adjacent property on the east side of Delhi Street (Part Lots 11 and 12, Concession 1, Division F; (formerly Township of Guelph) as in CS8274, CS8275, CS8276 and MS5149, save and except Plan 528), to count towards the required off-street parking for the retained parcel,

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

1. That Consent Application B-19/14 receives final certification of the Secretary-Treasurer and be registered on title.

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-8/18
Owner: Toarms Properties Inc. and Ormsby Properties Inc.
Agent: Jeff Buisman, Van Harten Surveying Inc.
Location: Part of Block 14, Registered Plan 61M-169 (designated as Part 4 of Reference Plan 61R-20204)
In Attendance: Jeff Buisman

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

Mr. J. Buisman explained the application and showed the severance sketch on the overhead projector.

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 Part of Block 14, Registered Plan 61M-169, a parcel of land from Part 4, Reference Plan 61R-20204 with an area of 900 square metres as a lot addition to the abutting property known as 230 Hanlon Creek Boulevard, and consent to create a sanitary sewer easement over a portion of the severed parcel with a width of 8 metres fronting onto Hanlon Creek Boulevard and a depth of 6 metres, in favour of the retained parcel, 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 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).
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. The Transfer documents for the severed parcel shall contain a statement to ensure that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or transaction with respect to the land described herein; and a statement that the severed parcel and the abutting lands to which this severed parcel is to be added shall be dealt with contemporaneously in any future conveyances or transactions unless further consent is granted under the Planning Act or other lawful order.

4. That the Owner shall consolidate the severed parcel with the abutting lands to which the severed parcel is to be added as a single parcel ("the consolidation") and that the Owner's solicitor shall provide a firm undertaking in writing to the Secretary-Treasurer of the Committee of Adjustment for the City of Guelph that the solicitor will attend to the consolidation and will provide within 30 days of the date of registration in the Land Registry Office for Wellington (No. 61), or prior to the issuance of a building permit [if applicable], whichever occurs first, a copy of the registered electronic Transfer document including the Certificate of Official and the registered application Consolidation Parcels document.
5. That the Transferee take title of the severed lands in the same manner and capacity as he or she holds his or her abutting lands; and that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or any transaction involving the parcel of land that is subject of this consent.

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-33/18**
Owner: **Niranchala Elavalakanar**
Agent: **Elavalakanar Kanakarathnam**
Location: **25 Zecca Drive**
In Attendance: **Elavalakanar Kanakarathnam**

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

Mr. E. Kanakarathnam explained the application.

In response to a question from Chair B. Birdsell, Mr. E. Kanakarathnam explained that he has a concrete walkway on each side of the asphalt driveway.

No members of the public spoke.

In response to questions from member D. Kendrick, Planner L. Sulatycki explained that staff were not supportive of the driveway width as the Zoning By-law specifically sets the widths to ensure there is an adequate balance between hard and soft surfaces, and to ensure grading and drainage is maintained. She indicated it is not desirable from a streetscape perspective as the driveway can permit three cars wide on the property. She indicated that staff are recommending that the driveway width be reduced to 6 metres as per the Zoning By-law requirements. She indicated that the existing driveway represents 63% of the lot frontage. Planner L. Sulatycki responded that the owner would need to satisfy Zoning staff in regards to how the driveway is reduced in width.

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 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 25 Zecca Drive, to permit an accessory apartment size of 89.2 square metres, or 26% of the total floor area, when the By-law permits an accessory apartment that does not exceed 45% of the total floor area of the building or a maximum of 80 square metres of floor area, whichever is lesser, be **APPROVED**.

REASONS:

This minor variance request 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.

AND

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 iii) of Zoning By-law (1995)-14864, as amended, for 25 Zecca Drive, to permit a maximum driveway width of 7.76 metres, when the By-law requires that a driveway (residential) shall have a maximum width of 6.0 metres in a R.1C Zone, be **REFUSED**.

REASONS:

This minor variance request is refused, as it is the opinion of the Committee that this application does not meet all four tests under Section 45(1) of the Planning Act as outlined in the staff comments, specifically being that the requested variance does not meet the intent or purpose of the Zoning By-law, is not minor in nature and is not considered to be desirable for the appropriate development and use of the lands.

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-35/18**
Owner: **Leisha Burley and Eric Pool**
Agent: **N/A**
Location: **54 Forbes Avenue**
In Attendance: **Eric Pool**

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from B. Aliko, resident of 45 Forbes Avenue, in support of the application. A copy of the correspondence was provided to the Committee 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. E. Pool, owner, responded that the sign was posted and comments were received.

Mr. E. Pool indicated he had worked with various staff departments to proactively address any sight line issues.

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 L. Janis
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, variances from the requirements of Table 5.1.2 Row 7, Table 4.7 Rows 3 and 12, and Section 4.6.1 (i) of Zoning By-law (1995)-14864, as amended, for 54 Forbes Avenue, to permit:

- a) a right side yard setback of 1.18 metres for the proposed second storey addition, when the By-law requires a side yard setback of 1.5 metres;
- b) the proposed covered porch to the rear of the dwelling to be setback 1.2 metres from the exterior side lot line, when the By-law requires that an open, roofed porch not exceeding 1 storey in height be setback a minimum of 2 metres from the exterior side lot line;
- c) existing exterior stairs for the front deck to be setback 0.0 metres from the exterior side lot line, when the By-law requires that exterior stairs be setback a minimum of 0.8 metres from the exterior side lot line; and

- d) the existing front deck and exterior stairs to be located within a sightline, when the By-law requires that on a corner lot in any Zone, within the sight line triangle formed by joining the point of intersection to points on each street line, measured 9 metres from that point of intersection, no building, structure, play equipment, statue or parked motor vehicle shall be located,

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

1. That the variances apply to the side yard setbacks and existing front deck and stairs in general accordance with the Public Notice sketch.
2. That prior to issuance of building permits and prior to undertaking activities which may injure or destroy City owned trees, a Tree Inventory and Preservation Plan (TIPP) must be prepared for all City owned trees to the satisfaction of the Manager of Parks, Operations and Forestry. The applicant should consult with the Manager of Parks, Operations and Forestry prior to commencing the preparation of the TIPP.
3. That where it is determined that City tree removal is required; a certified Arborist must provide this in writing to the satisfaction of the Manager of Parks, Operations and Forestry prior to the issuance of building permits or prior to undertaking activities that may injure or destroy City owned trees.
4. Prior to issuance of a building permit, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of the existing concrete steps, retaining wall, existing deck, and block retaining wall.
5. 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 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-28/18**
Owner: **Tony Wong and Laura King**
Agent: **N/A**

Location: 9, 17 and 19 Elizabeth Street

In Attendance: Tony Wong
Laura Wong

Chair B. Birdsell questioned if the signs had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. L. Wong, owner, responded that the signs were posted and Mr. T. Wong, owner, responded that comments were received.

The Committee had no questions for the owners.

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. 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 6.6.1 of Zoning By-law (1995)-14864, as amended, for 9, 17 and 19 Elizabeth Street, to permit four residential units without a permitted commercial use in the same building, when the By-law permits dwelling units with permitted commercial uses in the same building, 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

Other Business

None

Adjournment

Moved by S. Dykstra
Seconded by D. Kendrick

THAT the hearing of the Committee of Adjustment be adjourned at 5:13 p.m.

CARRIED

B. Birdsell
Chair

T. Di Lullo
Secretary-Treasurer