



COMMITTEE OF ADJUSTMENT MINUTES

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday August 10, 2017 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

K. Ash, Vice Chair
S. Dykstra
D. Kendrick
P. Ross

Regrets: B. Birdsell, Chair
L. Janis

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 P. Ross
Seconded by S. Dykstra

THAT the Minutes from the July 13, 2017 Regular Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Requests for Withdrawal or Deferral

None.

Current Applications

Application: A-50/17
Owner: Victoria & James Dupuis
Agent: N/A
Location: 2 Carey Crescent

In Attendance: **Victoria Dupuis**
 Jake Dupuis

Vice Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. V. Dupuis, owner, responded that the sign was posted and comments were received.

Ms. V. Dupuis briefly outlined the application.

In response to a question from member P. Ross, Ms. V. Dupuis confirmed she was in agreement with the recommended condition to remove the fence within the sight line triangle.

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 4.20.9 of Zoning By-law (1995)-14864, as amended, for 2 Carey Crescent, to permit a fence located in the front yard to be 1.6 metres high, when the By-law requires that within any residential zone, any fence located in the front yard shall not exceed 0.8 metres in height, be **APPROVED**, subject to the following condition:

1. The fence shall be removed and relocated outside the sight line triangle.

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-51/17**

Owner: **Major Wolfe Developments Inc.**

Agent: Claudio Balbinot, Agora Research Group Inc.

Location: 20 Cowan Place

In Attendance: Claudio Balbinot

Vice Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. C. Balbinot, agent, responded that the sign was posted and comments were received.

Mr. C. Balbinot briefly explained the application and confirmed agreement with the recommended conditions.

In response to a question from member S. Dykstra, Planner M. Witmer responded that the commercial mall is site plan approved and meets all parking requirements.

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 6.4.3.1.35.1 of Zoning By-law (1995)-14864, as amended, for 20 Cowan Place, to permit a commercial entertainment use as an additional permitted use on the property, when the By-law permits a variety of uses in the SC.1-35 Zone, but does not currently permit a commercial entertainment use, be **APPROVED**, subject to the following conditions:

1. That the Commercial Entertainment use be limited to a maximum of 280 square metres (3013.9 square feet) in gross floor area, or not occupy more than 20% of the gross floor area of the commercial mall on the subject property, whichever is less.
2. That in addition to the uses not permitted in the definition of a "Commercial Entertainment" definition in the Zoning By-law, the Commercial Entertainment facility on the subject property not be used as a bingo hall or any other commercial gambling facility.

REASONS:

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

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: **A-52/17 & A-53/17**
Owner: **Muslim Society of Guelph & Hydro One**
Agent: **Astrid Clos, Astrid J. Clos Planning Consultant**
Location: **286 Water Street & 225 Edinburgh Road South**
In Attendance: **Astrid Clos**
 Amir Riaz

Secretary-Treasurer T. Di Lullo noted that comments circulated for the subject applications identified incorrect Zoning By-law requirements. Revised comments were circulated to the applicant and staff and copies were provided to the members.

Vice Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. A. Clos, agent, responded that the sign was posted and comments were received.

Ms. A. Clos provided background regarding the application. She showed an aerial photo of the subject properties and surrounding areas. She explained the owners have committed to ensure light will not trespass onto neighbouring properties and a solid wood fence will be constructed along the boundary with the four abutting lots that back onto the subject properties.

In response to a question from member S. Dykstra, Ms. A. Clos explained she was satisfied with the recommended wording of the condition requiring a licensing agreement.

In response to questions from member D. Kendrick, Ms. A. Clos explained the agreement would involve a specified term which would be determined to the satisfaction of City staff. She explained that if the owner of 225 Edinburgh Road South no longer wished to entertain parking on the property this would be discussed at the time the agreement is renewed. She clarified that if the agreement is no longer in effect, the variance is no longer in effect. Planner L. Sulatycki explained that was correct and that a site plan agreement will be registered on title to the property that shows the parking areas. She further explained that without the additional off-street parking provided on the adjacent property, the variance permission would no longer be applicable.

In response to additional questions from member D. Kendrick, Ms. A. Clos clarified that the variance was for the fence setback, not height. Planner L. Sulatycki confirmed that was correct and identified that the fence was an existing situation. She explained that concerns around traffic and storm water management as outlined in the letter from the Old University Neighbourhood Association will be addressed through the site plan approval process.

No members of the public spoke.

Application A-52/17

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 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, variances from the requirements of Sections 4.13.1, 4.13 and 4.20.3 of Zoning By-law (1995)-14864, as amended, for 286 Water Street,

- a) to permit an off-street parking area for 286 Water Street to be located on 225 Edinburgh Road South, 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 loading spaces;
- b) to permit 15 off-street parking spaces to be provided on site, when the By-law requires a total of 139 parking spaces to be provided on-site; and
- c) to permit a fence located in the front yard to be setback 3.4 metres from the street line, when the By-law requires that within any Commercial, Park, Urban Reserve or Institutional Zone, any fence located in a front yard, side yard or exterior side yard shall not be within 4 metres of a street line unless of the height of such fence is less than 0.8 metres,

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

1. That the owners of 286 Water Street enter into and maintain a License Agreement with Hydro One Networks Inc. to allow the use of 124 parking spaces at 225 Edinburgh Road South.
2. That prior to site plan approval, a Tree Inventory and Preservation Plan and Compensation Plan be prepared by a qualified arborist and approved to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
3. That the site plan application be approved prior to the parking area being established at 225 Edinburgh Road South.

REASONS:

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

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-53/17

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 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, variances from the requirements of Sections 4.13.1 and 11.1.1 of Zoning By-law (1995)-14864, as amended, for 225 Edinburgh Road South,

- a) to permit an off-street parking area to be located on 225 Edinburgh Road South where such parking is required by 286 Water Street, 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 space; and
- b) to permit a parking area as an additional permitted use on the property, when the By-law permits a variety of uses in the UR Zone, but does not include a parking area as a permitted use,

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

- 1. That the owners of 225 Edinburgh Road South enter into and maintain a License Agreement with the owners of 286 Water Street to allow the use of 124 parking spaces at 225 Edinburgh Road South.
- 2. That prior to site plan approval, a Tree Inventory and Preservation Plan and Compensation Plan be prepared by a qualified arborist and approved to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
- 3. That the site plan application be approved prior to the parking area being established at 225 Edinburgh Road South.

REASONS:

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

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-54/17
Owner: Melran Holdings Ltd.
Agent: Astrid Clos, Astrid J. Clos Planning Consultants
Location: 355 Elmira Road North
In Attendance: Astrid Clos
Oliver Lauzin

Vice Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. A. Clos, agent, responded that the sign was posted and comments were received.

Ms. A. Clos briefly explained the application and confirmed agreement with the recommended conditions.

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 S. Dykstra
Seconded by P. Ross

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 7.1.2.1 of Zoning By-law (1995)-14864, as amended, for 355 Elmira Road North, 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.3-5 Zone, but does not currently permit a hydroponic growing facility, be **APPROVED**, subject to the following conditions:

1. That for the purposes 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."
2. That the hydroponic growing facility use be limited to a maximum 350 square metres (3,767.4 square feet) in gross floor area.

REASONS:

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

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-55/17
Owner: 2278560 Ontario Inc.
Agent: Neal Hallock, Fusion Homes
Location: 73 Arthur Street South
In Attendance: Clifford Korman
Maria Pezzano
Ben Jones
Kevin Beaudette
Craig Robson

Vice Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. C. Robson with Robson Carpenter LLP, representative for Fusion Homes, responded that the sign was posted and comments were received.

Mr. C. Robson provided background and outlined how the application meets the four tests of a minor variance.

Mr. C. Korman, Planner from Kirkor Architects and Planners, showed drawings illustrating the phases, built form, and shadowing of the development. He outlined how the application meets the four tests of a minor variance. He explained that a mechanical penthouse is proposed for the 12th floor along with a solarium, with no residential units proposed on the 12th floor.

In response to questions from member D. Kendrick, Planner M. Witmer responded that City Council reduced the maximum number of storeys based on public comments when the zoning by-law amendment for this site was approved in 2014. He further explained that Council chose to amend staff's recommendation to reduce the height of the building.

In response to questions from member D. Kendrick, Mr. C. Korman explained the presentation to Council in 2014 was based on a 12 storey proposal and after Council's decision, the documents were amended. He clarified that the drawings shown today are an alternative design and were not shown to Council. Mr. C. Korman explained that the

proposal was not sent before Council as it was felt the proposal was considered a minor variance.

In response to questions from member P. Ross, Mr. C. Korman indicated that if the building was 10 storeys the top floor would be residential with a mechanical penthouse above. He explained that the mechanical penthouse would not be considered an additional storey.

In response to questions from member S. Dykstra, Mr. C. Korman explained that based on their proposal the 11th floor is a new residential floor with the 12th floor being the amenity space. Planner M. Witmer confirmed that the subject building has a different height requirement than the other buildings. He confirmed that zoning requirement for the three buildings indicated in the Zoning By-law is as follows: 53 Arthur Street South: 10 storeys, 63 Arthur Street South: 11 storeys, and 73 Arthur Street South: 10 storeys.

In response to a question from member S. Dykstra, Mr. B. Jones, representative from Fusion Homes, stated that if the Committee chose to approve the application, conditions limiting the number of units within the building or that no residential units be on the top (12th) floor could be added.

In response to a question from member D. Kendrick, Planner M. Witmer clarified that the definition of storey is not based on numeric height and the site-specific zoning for the property provides a maximum number of storeys. He read aloud the definition of storey from the Zoning By-law as follows: "Storey means that portion of a building, other than a cellar, which is situated between the surface of any floor and the surface of the floor next above and, if there is no floor above, that portion between the surface of such floor and the ceiling above."

In response to a question from member P. Ross, Planner M. Witmer responded that whether or not the top floor is considered a storey depends on the definition of amenity space. He confirmed that a mechanic penthouse for elevator equipment would not count as a storey. He indicated that an interior amenity room or amenity area with a vestibule and indoor area would count as a storey.

Ms. M. Pezzano, representing The Ward Residents' Association, expressed concerns about traffic and compatibility with the existing neighbourhood. She indicated that she felt that City Council's decision in 2014 to limit the building to 10 storeys was the right decision. Mr. C. Korman indicated that at the time of the Zoning By-law amendment in 2014, staff supported a 12 storey proposal. He indicated that he felt a 12 storey building would be more compatible and provide a better design.

Planner M. Witmer emphasized that the staff comment prepared reflect the four tests for a minor variance and the main test he feels this application does not meet is the general intent and purpose of the Zoning By-law. He indicated that he felt that City Council set a very clear intent when the site-specific zoning was approved in 2014 to meet the concerns of the residents and fit with the neighbourhood. He clarified that this application would be better reviewed through a new Zoning By-law amendment application that would be considered by Council.

In response to a question from member S. Dykstra, Planner M. Witmer responded that anyone including City Council has the ability to appeal the decision.

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 5.4.3.2.15.5.1.7 of Zoning By-law (1995)-14864, as amended, for 73 Arthur Street South, to permit a maximum building height of 12 storeys, when the By-law permits a maximum building height of 10 storeys for apartment buildings, be **REFUSED**.

REASONS:

This application 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, specifically being the reasons outlined in the staff comments that the requested variance does not meet the intent and purpose of the Zoning By-law, as site-specific zoning was approved by City Council on August 25, 2014. The Committee is of the opinion that this request is beyond the scope of a minor variance and this request would be more appropriately considered through a Zoning By-law Amendment.

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-56/17
Owner: Besnik Aliko
Agent: George Sedra, GS Engineering Services
Location: 45 Forbes Avenue
In Attendance: Besnik Aliko
George Sedra

Secretary-Treasurer T. Di Lullo noted that additional comments were received after the comment deadline from B. Downer, S. Cullis and D. Macaulay in support of the application. Copies of the correspondence from these individuals were provided to the members.

Vice Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. B. Aliko, owner, responded that the sign was posted and comments were received.

Mr. G. Sedra, agent, outlined the application and showed a sketch of the property.

B. Aliko mentioned that the third parking space might not fit a long vehicle, but will not interfere with the scenery.

In response to questions from member P. Ross, Mr. B. Aliko confirmed the subject property contains a semi-detached house with a fence that separates the backyards. Mr. G. Sedra explained the garage is going to have an opening at the back, similar to a carport, so vehicles can enter into the rear yard. Mr. B. Aliko also explained the existing garage will be cleared so vehicles can enter.

In response to questions from member S. Dykstra, Mr. B. Aliko responded that he was told he needed a third parking space to create an accessory apartment. Planner L. Sulatycki clarified that staff would not support two parking spaces in lieu of three. She indicated that the applicant was notified that staff would not support the application as staff felt the proposal was overdeveloping the property and would have adverse impacts on the neighbourhood. She indicated it is unclear where snow storage would be located and that the existing backyard provides very little amenity area. She clarified that if this variance was not approved, a permit could not be issued for the accessory apartment.

In response to questions from Vice Chair K. Ash, Planner L. Sulatycki indicated the setbacks for the existing garage represent an existing legal non-complying situation. She indicated with the proposal to add the third parking space, the garage would need to be brought into compliance with the Zoning By-law by obtaining approval from the Committee.

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 Sections 4.13.2.1, 4.13.7.6 and 4.13.3.2.2 of Zoning By-law (1995)-14864, as amended, for 45 Forbes Avenue, to permit:

- a) required parking spaces to be located 0 metres from the street line and in front of the main building, when the By-law requires that every required parking space shall be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building;
- b) a parking space in the rear yard to be located 0 metres from the lot line, when the By-law requires that where the parking area is situated in the rear yard, the parking area shall not be within 1 metre if any lot line and is to be screened from adjacent properties with a minimum 1.5 metre high solid fence or suitable landscaping; and
- c) one (1) exterior parking space dimension of 2.5 metres by 5.4 metres, when the By-law requires that the minimum parking space dimensions for single detached dwellings are 3 metres by 6 metres within a garage or carport and

the minimum exterior parking space dimensions are 2.5 metres by 5.5 metres,

be **REFUSED**.

REASONS:

This application 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, specifically being that the requested variances do not meet the intent or purpose of the Zoning By-law, and is not considered to be desirable for the appropriate development 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

Applications: B-9/17, B-10/17 & B-11/17

Owner: Kenneth William Spira & Carol Spira

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

Location: 58 Glenholm Drive

In Attendance: Nancy Shoemaker
Ken Spira

Secretary-Treasurer T. Di Lullo noted that Engineering Services amended conditions 8 through 12 and 14 to replace the wording "prior to issuance of certificate of official" with the wording "prior to site plan approval". A copy of the revised conditions from Engineering Services was provided to the members.

Vice Chair K. Ash 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 sign was posted and comments were received.

Ms. N. Shoemaker provided background on the application and indicated support of the revised engineering conditions.

In response to a question from Vice Chair K. Ash, Ms. N. Shoemaker responded that a related Zoning By-law amendment was recently approved and no appeals were received.

In response to a question from member S. Dykstra, Ms. N. Shoemaker responded that there will be three driveways at the end of Glenholm Drive.

No members of the public spoke.

Application B-9/17

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 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, consent for severance of Registered Plan 820, Lot 3; Registered Plan 131 Part Lot 1 East of the Blind Line; Plan 61R-10340 Parts 1 and 2; and Plan 61R-10800 Part 1, municipally known as 58 Glenholm Drive, a parcel with frontage along Glenholm Drive of 6.71 metres, a depth of 110.34 metres, and an area of 5,500 square metres, be **APPROVED**, subject to the following conditions:

1. That prior to the issuance of a building permit, the Owner/Developer shall submit to the City, in accordance with Section 41 of the Planning Act, a fully detailed site plan, indicating the location of the building, building design, landscaping, driveway, parking, lighting, septic system, well, grading, drainage, groundwater recharge, drainage around the Glenholm cul-de-sac bulb and erosion and sediment controls on the said lands to the satisfaction of the General Manager of Planning, Urban Design and Building Services and the General Manager/City Engineer, prior to any construction or grading on the lands.
2. That prior to the issuance of the Certificate of Official, the Owner/Developer shall prepare an Environmental Implementation Report (EIR), to the satisfaction of the General Manager of Planning, Urban Design and Building Services, which includes, but is not limited to:
 - a) A summary characterization of the Natural Heritage System within the study area, including an assessment of historic vegetation removal;
 - b) A description of the detailed development including lot configuration, building envelopes (house, driveway, garage, septic, well);
 - c) A detailed Tree Inventory and Preservation Plan by an Arborist with tree locations, removals and tree protection fencing;
 - d) A Landscape Plan prepared by a full member of the OALA depicting compensation plantings as well as additional enhancement plantings (i.e. landscaping outside of buffers);
 - e) A restoration and management plan for the portions of Significant Woodland to be under planted. This restoration and management plan would provide details on which trees would be selectively removed and where under-planting would occur as well as a management plan to ensure success of the restoration work;
 - f) A detailed Erosion and Sediment Control Plan;
 - g) A water management plan which includes site grading, drainage, stormwater LID measures, well and septic locations;
 - h) A lighting plan which depicts type and location of light fixtures and that there is no light spillage;
 - i) A monitoring program; and
 - j) Education and outreach material for future homeowner(s).

3. That prior to Site Plan Approval, the Owner/Developer shall implement the Environmental Implementation Report.
4. That the Owner/Developer shall make payment of money in-lieu of parkland conveyance 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.
5. That prior to the issuance of the Certificate of Official, the Owner/Developer 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 amount of payment in-lieu of parkland conveyance 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 amount of payment in-lieu of parkland conveyance.
6. That the following warning clause shall be incorporated into a future site plan control agreement, offers of purchase and sale or lease/rent for all new residential dwellings: *"Purchasers/Tenants are advised that due to the proximity of the City's Waste Resource Innovation Centre, odours may on occasion interfere with some activities of the dwelling occupants and sound levels from the Centre may at times be audible."*
7. That prior to the issuance of the Certificate of Official, the Owner/Developer 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.
8. That prior to Site Plan Approval, the developer shall submit to the City a fully detailed site plan indicating the location of the building, driveway, septic system, well, grading, drainage, groundwater recharge, drainage around the Glenholm cul-de-sac bulb and erosion and sediment controls on the said lands to the satisfaction of the General Manager/City Engineer.
9. That prior to Site Plan Approval, the existing Glenholm cul-de-sac bulb does not have positive drainage to the satisfaction of the City Engineer, the developer shall be responsible for the cost of design and construction of bulb improvements to achieve positive drainage.
10. That prior to Site Plan Approval, the developer shall submit a stormwater management report that is certified by a Professional Engineer and is prepared in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual". This stormwater management report is to demonstrate how each of the lots will achieve a post-development groundwater recharge

that is equal to the pre-development recharge. On-site permeameter testing is required to confirm that the recharge can be achieved.

11. That prior to Site Plan Approval, the developer shall submit a Phase One Environmental Site Assessment in accordance with O. Reg. 153/04 or CSA Z768-00 standard as per City Guideline, describing the current conditions of the subject property to the satisfaction of the City. If contamination is found, the consultant will determine its nature and indicate any necessary measures to manage the contamination at the developer's expense. The consultant shall also certify that all properties to be developed and/or conveyed to the City pose no risk to public health and safety and to the environment and can be developed for proposed.
12. That prior to Site Plan Approval, the developer shall pay to the City the actual cost of the construction of the new driveways (including culverts). Furthermore, prior to any construction or grading on the lands, the developer shall pay to the City, the estimated cost as determined by the General Manager/City Engineer of the construction of the new driveways.
13. The owner agrees to contact Joe de Koning, P.Eng, Manager Technical Services, 48 hours prior to the works being undertaken within the City's right of way, and to ensure that City Inspect the works. And that the owner agrees to pay for the cost of the inspection completed by the City's technical services division.
14. That prior to Site Plan Approval, the developer shall make satisfactory arrangements with Guelph Hydro and phone and cable providers for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plant.
15. That prior to the issuance of a building permit, the Owner/Developer shall make satisfactory arrangements with the Technical Services Department of Guelph Hydro and phone and cable providers for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plant. The servicing costs would be at the applicant's expense.
16. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
17. 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.
18. 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).

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 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, 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-10/17

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 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, consent for severance of Registered Plan 820, Lot 3; Registered Plan 131 Part Lot 1 East of the Blind Line; Plan 61R-10340 Parts 1 and 2; and Plan 61R-10800 Part 1, municipally known as 58 Glenholm Drive, a parcel with frontage along Glenholm Drive of 6.71 metres, a depth of 52.16 metres, and an area of 4,300 square metres, be **APPROVED**, subject to the following conditions:

1. That prior to the issuance of a building permit, the Owner/Developer shall submit to the City, in accordance with Section 41 of the Planning Act, a fully detailed site plan, indicating the location of the building, building design, landscaping, driveway, parking, lighting, septic system, well, grading, drainage, groundwater recharge, drainage around the Glenholm cul-de-sac bulb and erosion and sediment controls on the said lands to the satisfaction of the General Manager of Planning, Urban Design and Building Services and the General Manager/City Engineer, prior to any construction or grading on the lands.
2. That prior to the issuance of the Certificate of Official, the Owner/Developer shall prepare an Environmental Implementation Report (EIR), to the satisfaction of the General Manager of Planning, Urban Design and Building Services, which includes, but is not limited to:

- a) A summary characterization of the Natural Heritage System within the study area, including an assessment of historic vegetation removal;
 - b) A description of the detailed development including lot configuration, building envelopes (house, driveway, garage, septic, well);
 - c) A detailed Tree Inventory and Preservation Plan by an Arborist with tree locations, removals and tree protection fencing;
 - d) A Landscape Plan prepared by a full member of the OALA depicting compensation plantings as well as additional enhancement plantings (i.e. landscaping outside of buffers);
 - e) A restoration and management plan for the portions of Significant Woodland to be under planted. This restoration and management plan would provide details on which trees would be selectively removed and where under-planting would occur as well as a management plan to ensure success of the restoration work;
 - f) A detailed Erosion and Sediment Control Plan;
 - g) A water management plan which includes site grading, drainage, stormwater LID measures, well and septic locations;
 - h) A lighting plan which depicts type and location of light fixtures and that there is no light spillage;
 - i) A monitoring program; and
 - j) Education and outreach material for future homeowner(s).
3. That prior to Site Plan Approval, the Owner/Developer shall implement the Environmental Implementation Report.
 4. That the Owner/Developer shall make payment of money in-lieu of parkland conveyance 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.
 5. That prior to the issuance of the Certificate of Official, the Owner/Developer 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 amount of payment in-lieu of parkland conveyance 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 amount of payment in-lieu of parkland conveyance.
 6. That the following warning clause shall be incorporated into a future site plan control agreement, offers of purchase and sale or lease/rent for all new residential dwellings: *"Purchasers/Tenants are advised that due to the proximity of the City's Waste Resource Innovation Centre, odours may on occasion interfere with some activities of the dwelling occupants and sound levels from the Centre may at times be audible."*
 7. That prior to the issuance of the Certificate of Official, the Owner/Developer 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.

8. That prior to Site Plan Approval, the developer shall submit to the City a fully detailed site plan indicating the location of the building, driveway, septic system, well, grading, drainage, groundwater recharge, drainage around the Glenholm cul-de-sac bulb and erosion and sediment controls on the said lands to the satisfaction of the General Manager/City Engineer.
9. That prior to Site Plan Approval, the existing Glenholm cul-de-sac bulb does not have positive drainage to the satisfaction of the City Engineer, the developer shall be responsible for the cost of design and construction of bulb improvements to achieve positive drainage.
10. That prior to Site Plan Approval, the developer shall submit a stormwater management report that is certified by a Professional Engineer and is prepared in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual". This stormwater management report is to demonstrate how each of the lots will achieve a post-development groundwater recharge that is equal to the pre-development recharge. On-site permeameter testing is required to confirm that the recharge can be achieved.
11. That prior to Site Plan Approval, the developer shall submit a Phase One Environmental Site Assessment in accordance with O. Reg. 153/04 or CSA Z768-00 standard as per City Guideline, describing the current conditions of the subject property to the satisfaction of the City. If contamination is found, the consultant will determine its nature and indicate any necessary measures to manage the contamination at the developer's expense. The consultant shall also certify that all properties to be developed and/or conveyed to the City pose no risk to public health and safety and to the environment and can be developed for proposed.
12. That prior to Site Plan Approval, the developer shall pay to the City the actual cost of the construction of the new driveways (including culverts). Furthermore, prior to any construction or grading on the lands, the developer shall pay to the City, the estimated cost as determined by the General Manager/City Engineer of the construction of the new driveways.
13. The owner agrees to contact Joe de Koning, P.Eng, Manager Technical Services, 48 hours prior to the works being undertaken within the City's right of way, and to ensure that City Inspect the works. And that the owner agrees to pay for the cost of the inspection completed by the City's technical services division.
14. That prior to Site Plan Approval, the developer shall make satisfactory arrangements with Guelph Hydro and phone and cable providers for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plant.
15. That prior to the issuance of a building permit, the Owner/Developer shall make satisfactory arrangements with the Technical Services Department of Guelph Hydro and phone and cable providers for the servicing of the lands, as

well as provisions for any easements and/or rights-of-way for their plant. The servicing costs would be at the applicant's expense.

16. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
17. 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.
18. 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).
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 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, 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-11/17

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 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, consent for severance of Registered Plan 820, Lot 3;

Registered Plan 131 Part Lot 1 East of the Blind Line; Plan 61R-10340 Parts 1 and 2; and Plan 61R-10800 Part 1, municipally known as 58 Glenholm Drive, a parcel with frontage along Glenholm Drive of 14.97 metres, a depth of 135.59 metres, and an area of 16,800 square metres, be **APPROVED**, subject to the following conditions:

1. That prior to the issuance of a building permit, the Owner/Developer shall submit to the City, in accordance with Section 41 of the Planning Act, a fully detailed site plan, indicating the location of the building, building design, landscaping, driveway, parking, lighting, septic system, well, grading, drainage, groundwater recharge, drainage around the Glenholm cul-de-sac bulb and erosion and sediment controls on the said lands to the satisfaction of the General Manager of Planning, Urban Design and Building Services and the General Manager/City Engineer, prior to any construction or grading on the lands.
2. That prior to the issuance of the Certificate of Official, the Owner/Developer shall prepare an Environmental Implementation Report (EIR), to the satisfaction of the General Manager of Planning, Urban Design and Building Services, which includes, but is not limited to:
 - a) A summary characterization of the Natural Heritage System within the study area, including an assessment of historic vegetation removal;
 - b) A description of the detailed development including lot configuration, building envelopes (house, driveway, garage, septic, well);
 - c) A detailed Tree Inventory and Preservation Plan by an Arborist with tree locations, removals and tree protection fencing;
 - d) A Landscape Plan prepared by a full member of the OALA depicting compensation plantings as well as additional enhancement plantings (i.e. landscaping outside of buffers);
 - e) A restoration and management plan for the portions of Significant Woodland to be under planted. This restoration and management plan would provide details on which trees would be selectively removed and where under-planting would occur as well as a management plan to ensure success of the restoration work;
 - f) A detailed Erosion and Sediment Control Plan;
 - g) A water management plan which includes site grading, drainage, stormwater LID measures, well and septic locations;
 - h) A lighting plan which depicts type and location of light fixtures and that there is no light spillage;
 - i) A monitoring program; and
 - j) Education and outreach material for future homeowner(s).
3. That prior to Site Plan Approval, the Owner/Developer shall implement the Environmental Implementation Report.
4. That the Owner/Developer shall make payment of money in-lieu of parkland conveyance 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.
5. That prior to the issuance of the Certificate of Official, the Owner/Developer 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 amount of payment in-lieu of parkland

conveyance 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 amount of payment in-lieu of parkland conveyance.

6. That the following warning clause shall be incorporated into a future site plan control agreement, offers of purchase and sale or lease/rent for all new residential dwellings: *"Purchasers/Tenants are advised that due to the proximity of the City's Waste Resource Innovation Centre, odours may on occasion interfere with some activities of the dwelling occupants and sound levels from the Centre may at times be audible."*
7. That prior to the issuance of the Certificate of Official, the Owner/Developer 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.
8. That prior to Site Plan Approval, the developer shall submit to the City a fully detailed site plan indicating the location of the building, driveway, septic system, well, grading, drainage, groundwater recharge, drainage around the Glenholm cul-de-sac bulb and erosion and sediment controls on the said lands to the satisfaction of the General Manager/City Engineer.
9. That prior to Site Plan Approval, the existing Glenholm cul-de-sac bulb does not have positive drainage to the satisfaction of the City Engineer, the developer shall be responsible for the cost of design and construction of bulb improvements to achieve positive drainage.
10. That prior to Site Plan Approval, the developer shall submit a stormwater management report that is certified by a Professional Engineer and is prepared in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual". This stormwater management report is to demonstrate how each of the lots will achieve a post-development groundwater recharge that is equal to the pre-development recharge. On-site permeameter testing is required to confirm that the recharge can be achieved.
11. That prior to Site Plan Approval, the developer shall submit a Phase One Environmental Site Assessment in accordance with O. Reg. 153/04 or CSA Z768-00 standard as per City Guideline, describing the current conditions of the subject property to the satisfaction of the City. If contamination is found, the consultant will determine its nature and indicate any necessary measures to manage the contamination at the developer's expense. The consultant shall also certify that all properties to be developed and/or conveyed to the City pose no risk to public health and safety and to the environment and can be developed for proposed.

12. That prior to Site Plan Approval, the developer shall pay to the City the actual cost of the construction of the new driveways (including culverts). Furthermore, prior to any construction or grading on the lands, the developer shall pay to the City, the estimated cost as determined by the General Manager/City Engineer of the construction of the new driveways.
13. The owner agrees to contact Joe de Koning, P.Eng, Manager Technical Services, 48 hours prior to the works being undertaken within the City's right of way, and to ensure that City Inspect the works. And that the owner agrees to pay for the cost of the inspection completed by the City's technical services division.
14. That prior to Site Plan Approval, the developer shall make satisfactory arrangements with Guelph Hydro and phone and cable providers for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plant.
15. That prior to the issuance of a building permit, the Owner/Developer shall make satisfactory arrangements with the Technical Services Department of Guelph Hydro and phone and cable providers for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plant. The servicing costs would be at the applicant's expense.
16. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
17. 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.
18. 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).
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 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, 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-33/17
Owner: Misha Wee Armour
Agent: Hock Wee
Location: 96 Harris Street
In Attendance: Misha Wee Armour
Hock Wee

Vice Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. M. Armour, owner, responded that the sign was posted and comments were received.

Ms. M. Wee Armour provided an overview of the application and showed a photo of the property.

In response to a question from member S. Dykstra, Planner M. Witmer responded that staff consider each application on a site-specific basis and there were some distinctions between the current application and previously heard variance for 45 Forbes Avenue (File A-56/17). He indicated that if the recommended licensing agreement is not fulfilled or not supported by circulated City departments or agencies, the variance would be considered null and void and staff would not be able to support the encroachment.

No members of the public spoke.

Member S. Dykstra stated his decision was based on the proposal not adversely impacting the neighbouring properties.

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

Moved by S. Dykstra
Seconded by P. Ross

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Sections 4.15.1.6, 4.13.3.2.2 and 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 96 Harris Street,

- a) to permit no interior access between the accessory apartment and the host dwelling unit, when the By-law requires that interior access is required between floor levels and between the accessory apartment and the host dwelling unit;
- b) to permit one exterior parking space dimension of 2.5 metres by 4.3 metres, when the By-law requires that the minimum exterior parking space dimensions are 2.5 metres by 5.5 metres; and
- c) to permit one required parking space to be located 0 metres from the street line and in front of the main building and two required parking spaces to be located 4.2 metres from the street line, when the By-law requires that every required parking space shall be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building,

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

- 1. That prior to the issuance of any building permits for the accessory apartment, the applicant apply for and maintain a licensing agreement with the City to the satisfaction of the General Manager of Planning, Urban Design and Building Services for the parking encroachment of 1.2 metres on the Harris Street right-of-way.
- 2. That the accessory apartment with no interior connection be limited to a maximum of 37.8 square metres (406.9 square feet) in gross floor area.
- 3. That to the satisfaction of the Chief Building Official or designate, a permanent sign be affixed and maintained at the front door which indicates "Entrance to apartment is located on the side of the dwelling."

REASONS:

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

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-12/17
Owner: Alicia Young
Agent: Jeff Buisman, Van Harten Surveying Inc.
Location: 11 Graham Street

In Attendance:

**Jeff Buisman
Alicia Young
Igor Falak
Wayne McDonell
Barbara Matthews**

**Bruce Matthews
Marg Wiley
Len Wiley
Deidre Lindsay
Patricia Gillies**

Vice Chair K. Ash 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 sign was posted and comments were received.

Mr. J. Buisman provided an overview of the application. He acknowledged there are two large tulip trees off of University Avenue with additional trees and bushes off of Graham Street. He indicated the owner will be hiring an arborist to ensure the proper tree protection is in place. He requested that conditions 7, 8, and 9 be revised to be required prior to site plan approval. Planner L. Sulatycki clarified that the previous consent files heard earlier (Files B-9/17, B-10/17, & B-11/17) were unique in that they involved a special area and site plan approval was required. She confirmed that site plan approval was not required for these applications and that Engineering staff recommend these conditions be completed prior to the issuance of the Certificate of Official so staff can ensure these conditions are completed within one year.

In response to questions from member P. Ross, Mr. J. Buisman responded that a survey will be conducted which will determine if there are boundary trees. He indicated he was satisfied with the condition regarding tree preservation. Planner L. Sulatycki confirmed that condition 3 pertains to City trees only. She indicated that Forestry staff support a survey being completed to confirm the location of any trees that are on City property. She indicated that the City has no authority for boundary trees as they are regulated under the Forestry Act and it represents a civil matter. She indicated the staff comments recommend the applicant consult an arborist to maintain as many trees on site as possible during construction.

Mr. W. McDonell, resident at 9 Graham Street, indicated that the tulip trees are on privately owned land according to the City's tree map. He asked if the conditions could be modified to apply to boundary trees as well. He expressed concerns about the location of the proposed driveway and possible adverse impacts to nearby trees. Mr. J. Buisman indicated the driveway will likely need to be moved closer to the house to protect the trees, and that the owner wishes to retain the tulip trees.

Ms. M. Wylie, resident at 3 Graham Street, indicated she was representing some of the surrounding neighbours. She expressed concerns about potential damage to the tulip trees.

Ms. B. Matthews, resident at 38 Dean Street, expressed concerns about the potential loss of mature tree canopies and increased traffic as properties are severed.

Mr. I. Falak, resident at 36 Caledonia Street, indicated that the City has a very large bird population and therefore the trees need to be protected. He also indicated that the development needs to be compatible with the neighbourhood.

Mr. J. Buisman stated that he felt the recommended conditions adequately protected the trees.

Member P. Ross indicated that the condition regarding the Tree Inventory and Preservation Plan (TIPP) should be amended so that the TIPP applies to all trees on the property, along with measures for the preservation of the two tulip trees and boundary trees, with tree protection fencing provided as described in Table 1 of the comments from arborist Kevin Butt.

Planner L. Sulatycki expressed concerns about the proposed wording as the City has no jurisdiction regarding boundary trees as they are regulated under the Forestry Act and consent from each property owner must be obtained. She said the property is under 0.2 hectares and therefore is not subject to the City's Private Tree Protection By-law. She clarified that as part of the TIPP appropriate tree fencing details would be determined, and that staff will be reviewing the TIPP which would be submitted by the applicant's arborist.

Planner L. Sulatycki recommended that condition 3 remain as originally recommended and a new condition be added to require a TIPP to include an assessment and preservation plan for the tulip tree.

Member P. Ross indicated that condition 3 should apply to all trees, not just City owned trees. Planner L. Sulatycki indicated that it would be beneficial to have the boundary trees surveyed, to confirm which are City owned trees.

Mr. J. Buisman expressed concerns about the potential changes to the conditions and how they might impact the flexibility of the development. Planner L. Sulatycki expressed concerns about the condition wording applying to privately owned trees as it would be difficult to ask for tree compensation if the trees are removed. She also indicated even with a condition applying to all trees, that privately owned trees could be removed in the future as the property is not regulated by the Private Tree Protection By-law.

In response to question from member S. Dykstra, Planner L. Sulatycki responded that she would not recommend a setback between the existing tree and the driveway as it is unclear on how to determine an appropriate setback and the tree location needs to be confirmed.

Member P. Ross indicated he was satisfied with the original wording of condition 3 with the additional condition as recommended by Planner L. Sulatycki regarding the tulip tree.

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 D. Kendrick

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Registered Plan 363, Lots 52 and 53, and Part of Lot 54, municipally known as 11 Graham Street, a parcel with frontage along University Avenue of 19.6 metres, a depth of 35.4 metres, and an area of 691 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 and the City Engineer, prior to the issuance of a building permit for the new dwelling on the severed lot 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 dwelling on the severed lot shall be submitted to, and approved by the General Manager of Planning, Urban Design, and Building Services.
 3. That prior to issuance of a building permit 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.
 4. 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 a building permit or undertaking of activities that may injure or destroy City owned trees.
 5. That prior to the issuance of a building permit, a Tree Inventory & Preservation Plan (TIPP) be undertaken by a qualified arborist to the satisfaction of the Manager of Parks, Operations and Forestry and includes the following:
 - a) An assessment of the tulip tree on the severed lands including: dbh, crown diameter, biological health, condition (vigour), remarks, recommended action and rationale.
 - b) A during construction preservation plan for the tulip tree and post-construction monitoring recommendations.
 6. That the undertaking of activities which may injure or destroy trees occur outside of the breeding bird season (approximately April 1 to July 31) or include appropriate mitigation measures to the satisfaction of the Manager of Parks Operations and Forestry.
 7. 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.
 8. Prior to the issuance of the Certificate of Official, the owner shall construct, install and maintain erosion and sediment control fence, satisfactory to the General Manager/City Engineer.
 9. Prior to the issuance of the Certificate of Official, the owner pays the actual cost of the construction of the new driveway entrances and the required curb cuts and curb fills, with the estimated cost of the works as determined by the General Manager/City Engineer.
 10. Prior to issuance of the Certificate of Official the Owner shall pay the estimated cost and shall pay the actual cost of constructing new service laterals for the severed lands, including the cost of road restoration and any curb cuts or fills required.

11. 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 issuance of building permit or prior to issuance of the Certificate of official whichever comes first.
12. That the owner enters into a Storm Sewer Agreement with the City, satisfactory to the General Manager/City Engineer, prior to issuance of the Certificate of Official.
13. The owner agrees to contact Joe de Koning, P.Eng, Manager Technical Services, 48 hours prior to the works being undertaken within the City's right of way, and to ensure that City Inspect the works. And that the owner agrees to pay for the cost of the inspection completed by the City's technical services division.
14. That the owner provides a full grading plan for review and approval to City for both severed lands and the retained lands, and ensures that no storm water in draining towards the adjacent lands. Grading plan must be submitted prior to issuance of building permit or prior to issuance of the Certificate of official whichever comes first.
15. The owner shall ensure that all telephone service and cable TV service in the Lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the Lands, prior to issuance of any building permits.
16. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of a building permits.
17. That prior to issuance of a building permit, the applicant makes arrangement 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.
18. 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.
19. 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.

- 20. 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).
- 21. That upon fulfilling and complying with all of the above-noted conditions, the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for 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, 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-90/16**

Owner: **Reid’s Heritage Homes**

Agent: **N/A**

Location: **190 Eastview Road**

In Attendance:

Alfred Artinger	Paul Pierce
Carlos Antonio	Sandra Pierce
Sandy Saltarelli	Melissa Pierce
Bill Saltarelli	Cristiane Dos Santos
Brian Holden	

Vice Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. A. Artinger, on behalf of Reid’s Heritage Homes, responded that the sign was posted and comments were received.

Mr. A. Artinger provided a background on the application.

The Committee had no questions.

Ms. C. Dos Santos, indicated she was representing neighbours on Summit Ridge Drive, Jeffrey Drive, and Starwood Drive. She indicated that she had collected over 100 signatures

opposing the construction of the two proposed apartment buildings. She expressed concerns about the lack of amenity space for children in the area and visitor parking as well concerns about traffic and increased density.

Member D. Kendrick raised a point of order regarding the subject matter of the comments provided by Ms. C. Dos Santos.

In response to a question from Vice Chair K. Ash, Mr. A. Artinger outlined the reasons for the variances and indicated that the Zoning By-law requires a maximum of 100 units per hectare. He explained the other variances are required due to the additional units and configuration of the building and driveway.

Planner M. Witmer emphasized that through Official Plan Amendment 48, this site was designated as high density residential. He indicated that based on this application, the proposed density is at the lower end of the density permitted in the Official Plan.

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 Sections 5.4.2.4.1, 5.4.3.1.40.1.2 and 4.13.2.2.2 of Zoning By-law (1995)-14864, as amended, for 190 Eastview Road,

- a) to permit a minimum common amenity area of 1,690 square metres, when the By-law requires a minimum common amenity area of an amount not less than 30 square metres per dwelling unit for each unit up to 20. For each additional dwelling unit, not less than 20 square metres of common amenity area shall be provided and aggregated into areas of not less than 50 square metres [requires 2,260 square metres total];
- b) to permit a maximum of 103 units [105.3 units per hectare], when the By-law permits a maximum of 98 units [100 units per hectare]; and
- c) to permit habitable rooms on the north elevation of Building B to be located within 1.82 metres of a surface driveway, when the By-law requires that no part of any surface driveway or surface parking area shall be located within 3 metres of a building entrance or any window of a habitable room,

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-47/17

Owner: Susan Barber Holdings Limited

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

Location: 155 Suffolk Street West

In Attendance: Nancy Shoemaker
Rhonda Weatherall
Moir Cavanagh
William Schnar

Vice Chair K. Ash 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 provided background on the application. She indicated that there is an existing agreement to allow 11 parking spaces on the Yorkshire Street road allowance.

In response to a question from member S. Dykstra, Planner L. Sulatycki responded that this application does not impact parking on the adjacent property at 167 Suffolk Street.

Ms. R. Weatherall, resident on Yorkshire Street, expressed concerns about the parking area adjacent to the subject property at 230 Yorkshire Street North which previously contained a pipe to release methane gas.

Ms. M. Cavanagh, resident on Yorkshire Street, expressed concerns about the methane gas pipe being covered.

Mr. W. Schnar, resident on Yorkshire Street, explained he had no comments after speaking with the agent.

Ms. N. Shoemaker explained that the area in question is not zoned for parking and the owner intends for the area to remain as is. She indicated that she had no information about the methane pipe as it is not related to the application.

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

Moved by S. Dykstra
Seconded by 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 Sections 6.1.1 and 4.13.4.2 of Zoning By-law (1995)-14864, as amended, for 155 Suffolk Street West,

- a) to permit an office use as an additional permitted use on the property, when the By-law permits a variety of uses in the C.1 Zone, but does not currently permit an office; and
- b) to permit a total of 25 off-street parking spaces, when the By-law requires a minimum total of 83 off-street parking spaces,

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

1. That the office uses be limited to a total of 849 square metres within the existing commercial building.

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

Other Business

Secretary-Treasurer T. Di Lullo provided a memo to the members outlining the Downtown Zoning By-law Update which was approved by City Council on July 24, 2017.

Secretary-Treasurer T. Di Lullo confirmed that a Special Hearing will be held on August 24, 2017 at 4:00pm.

Adjournment

Moved by D. Kendrick
Seconded by P. Ross

THAT the hearing of the Committee of Adjustment be adjourned at 6:57 p.m.

CARRIED

K. Ash
Vice Chair

T. Di Lullo
Secretary-Treasurer