



**COMMITTEE OF ADJUSTMENT
MINUTES**

The Committee of Adjustment for the City of Guelph held its Special Meeting on Thursday August 24, 2017 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

B. Birdsell, Chair
K. Ash, Vice Chair
L. Janis
D. Kendrick
P. Ross

Regrets: S. Dykstra

Staff Present: T. Di Lullo, Secretary-Treasurer
D. Mast, Associate Solicitor
D. Tremblay, Council Committee Coordinator
M. Witmer, Planner

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by D. Kendrick
Seconded by P. Ross

THAT the Minutes from the August 10, 2017 Regular Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Requests for Withdrawal or Deferral

There were no requests.

Current Applications

Application: B-8/17
Owner: Westminister Woods Ltd.
Agent: N/A
Location: 1229 Victoria Road South

In Attendance: Craig Robson

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. C. Robson, representative of Westminister Woods Ltd., responded that the sign was posted and comments were received.

Mr. C. Robson confirmed agreement with the recommended conditions and provided background on the application.

In response to questions from member K. Ash, Mr. C. Robson indicated that the OMB appeal related to the new residential and commercial zoning on the property is very close to a resolution. Planner M. Witmer indicated that the property was annexed from the Township of Puslinch in 1993 and is zoned Agriculture under the Township's Zoning By-law. He indicated the minimum lot area required for an Agriculture zone is 4 hectares. He noted that the severed and retained parcels are less than the required minimum lot area, but the recommended condition ensuring the new zoning be in place will ensure there is no conflict.

Member K. Ash expressed concern about the absence of a minor variance application to reduce the minimum lot area for the property. Mr. C. Robson responded that he felt the zoning is no longer Agriculture, but rather the new zoning that was approved in 2016 with a holding zone.

Member K. Ash indicated that she felt this application was premature until the appeal is dealt with and the new zoning is in place. Mr. C. Robson indicated that the Committee can deal with the application as the condition being proposed will ensure that the application will only proceed once the new zoning is in place. Planner M. Witmer indicated he agreed with Mr. C. Robson and indicated he was confident if the application proceeds the conditions will be able to be met.

Member K. Ash stated that she understood from reading the Township's Zoning By-law that the required minimum lot area is 0.4 hectares.

No members of the public were in attendance.

Moved by K. Ash

THAT Application B-8/17 for 1229 Victoria Road South, 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 due to the current OMB appeal (Case No. PL160859) and the associated uncertainty with regards to the zoning for the site.

NOT CARRIED

As no member seconded the motion to defer, the motion was not carried.

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

Moved by D. Kendrick

Seconded by P. Ross

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent to sever Township of Puslinch Concession 8, Part Lot 10, Parts 2 and 3 of Plan 61R-11983 (proposed severed lands shown as "Part 2" on a sketch prepared by Van Harten Surveying Inc. dated April 17, 2017, project no. 21094-12), municipally known as 1229 Victoria Road South, a parcel with frontage along Victoria Road South of 72.68 metres, and an area of 9,820 square metres, be **APPROVED**, subject to the following conditions:

1. That the R.4A-51 zoning and NC zoning, as approved by Council on July 19, 2016 under By-law (2016)-20079 be in effect and certified to be final by the City Clerk for the subject lands, prior to issuance of the Certificate of Official.
2. That the City's Program Manager of Zoning confirm in writing that any Holding symbols attached to the R.4A-51 zoning and NC zoning are removed and/or not in effect, prior to issuance of the Certificate of Official.
3. 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.
4. 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.
5. 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).
6. That upon fulfilling and complying with all of the above-noted conditions, the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

REASONS:

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

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

CARRIED

Other Business

None.

Adjournment

Moved by K. Ash
Seconded by D. Kendrick

THAT the hearing of the Committee of Adjustment be adjourned at 4:16 p.m.

CARRIED

B. Birdsell
Chair

T. Di Lullo
Secretary-Treasurer