

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday January 22, 2008 in Council Committee Room B, City Hall, with the following members present:

R. Funnell, Chair  
J. Andrews  
P. Brimblecombe  
L. McNair  
J. Scott

Regrets: D. Kelly  
A. Clos

Staff Present: G. Austin, Planner  
K. Fairfull, Secretary-Treasurer

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Approval of Minutes

Moved by L. McNair and seconded by P. Brimblecombe,

“THAT the Minutes from the December 18, 2207 Regular Meeting of the Committee of Adjustment, be approved, as printed and circulated.”

Carried.

### Other Business

The Secretary-Treasurer advised the membership to the Ontario Association of Committee's of Adjustment and Consent Authorities has increased dramatically this year. She noted the fee has increased to \$120.00/member and staff totalling \$1,200.00 whereas \$500.00 has been budgeted (fee from 2007). It was suggested the Committee only register the Committee members attending conference (2) and staff members directly involved with Committee operations (2). This will result in the membership being within the budgeted monies. She recommended the Committee decide next meeting who will be attending the annual conference in North Bay.

The Secretary-Treasurer advised the Committee received a Notice of Public Open House and Public Meeting for Proposed Amendment No. 37 to the City of Guelph

Official Plan.

The Secretary-Treasurer advised Dr. Marion Steele filed an appeal to the Ontario Municipal Board of the Committee of Adjustment's decision of approval for Application A-121/07 at 154 Dublin Street, North. She advised the file has been forwarded to the Ontario Municipal Board to schedule a hearing date.

The Secretary-Treasurer advised the appeal was withdrawn on by Guelph Junction Railway January 11, 2008 for Application B-16/07 at 20 Mac Avenue and the Board's Order has been received.

The Secretary-Treasurer advised a teleconference hearing occurred on January 10, 2008 concerning Application A-47/06 at 199 Victoria Road, South and 490 York Road, She advised the teleconference resulted in the applicant withdrawing their appeal subject to an agreement being entered into.

Committee member L. McNair advised he spoke to representatives' at the last conference and who expressed interest in hosting an annual conference in Guelph. He noted we now have the hotel facilities to host this event and suggested the Committee consider submitting a proposal to host the conference.

Committee member J. Andrews suggested the conference could be hosted jointly by the County of Wellington.

Councillor Bell agreed to speak to Peter Cartwright about the proposal and to request assistance.

Members of the Committee supported Councillor Bell approaching Economic Development staff for their assistance.

**Application: A-1/08**  
**Applicant: 15181677 Ontario Limited**  
**Agent: Bert Tami**  
**Location: 70 Watson Parkway, South**  
**In Attendance: Bert Tami**  
**Wieve Kroezen**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Tami replied the notice sign was posted and comments were received from staff. He had no further information to add 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 J. Scott and seconded by J. Andrews,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 7.3-Rw 6 and Section 7.3.2. of Zoning By-law (1995)-14864, as amended, for 70 Watson Parkway, South, Unit 4, to permit the office use to occupy a maximum of 60% of the gross floor area [237.01 square metres (2,551.2 square feet)] when the By-law requires that not more than 25% of the building floor area shall be used for any accessory use, be approved, subject to the following condition:

1. That the office uses for Unit 4 occupy a maximum gross floor area of 237.01 square metres.”

Carried.

**Application: A-126/07**  
**Applicant: Lambden Farm Trust**  
**Agent: Andrew Lambden**  
**Location: 635 Woodlawn Road, East**  
**In Attendance: Andrew Lambden**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Lambden replied the notice sign was posted and comments were received from staff. He noted he met with a representative from Planning staff with a revised plan after deferral of the application. He noted staff was in agreement with the amendments to the plan with the exception of the request to permit the use for five years. He noted Planning staff recommended the use cease to exist after 3 years. He provided background related to the proposed use of the property and noted the sale of products from the property will be permitted however they plan to allow 20% sale of their products from off-site. He questioned the requirement for site plan approval when there

will be no buildings on the site, parking and grading remains unchanged, no lighting or washrooms. He noted he has submitted the entire 35 acre parcel to the development priorities plan and is currently undertaking an archeological study. He noted he was doubtful the rezoning and official plan amendment would be finalized within 3 years. He noted a business requires a minimum of 5 years to utilize a business plan.

In response to questions from the Committee, Mr. Lambden explained he proposes to develop the property with mixed use residential condominium subdivision with a live-work component. He noted this will allow controls on the landscaping and will allow for the energy to be produced on site for the development. He noted they are also considering decentralized sewage disposal on the site.

Committee member P. Brimblecombe questioned what would happen to the business if the development was ready to proceed in 4 years.

Mr. Lambden replied if the business is successful he may incorporate the into the rezoning of the property.

Committee member L. McNair requested justification why site plan approval would be necessary for the property.

Planner G. Austin noted this is considered new development which requires site plan approval. He noted there is not enough information on the plan submitted to accurately analyse such details as grading and drainage.

Committee member J. Scott questioned if the plan had to be prepared by a professional engineer.

Planner G. Austin replied the grading and drainage plan will have to be prepared by a professional engineer.

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. McNair and seconded by P. Brimblecombe,

“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 11.1.1. of Zoning By-law (1995)-14864, as amended, for 635 Woodlawn Road, East/Eramosa Road, to permit a garden centre as a temporary use on the 0.13 hectare parcel which would operate from March 1<sup>st</sup> to November 30<sup>th</sup> for a maximum of 5 years when the By-law permits agriculture, liver and vegetations based, conservation area, flood control facility, outdoor sportsfield facilities,

recreation trail and wildlife management area, be approved, subject to the following conditions:

1. The Owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drawing on the said lands to the satisfaction of the Director of Community Design and Development Services and the City Engineer, prior to the use of the property as a garden centre.
2. That the land area of temporary use is limited to 0.13 hectares.
3. That the temporary use be permitted for a maximum of 5 years from the Committee's decision and to operate from March 1st to November 30th yearly."

Carried.

**Application:** B-2/08

**Applicant:** Colonel John McCrae Memorial Branch 234  
Royal Canadian Legion

**Agent:** Eric Smart

**Location:** 919 York Road

**In Attendance:** Bill Matthews, President, Royal Canadian Legion  
Eric Smart

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Smart replied the notice sign was posted and comments were received from staff. He explained they have an offer to purchase for the property containing the original Legion building and have submitted an application for severance to allow for the sale of the existing building and the eventual construction of a new smaller building fronting onto Watson Parkway. He explained the purchaser has until the end of March to waive their conditions and following that the Legion has 90 days to waive their conditions. He noted that part of the offer allows the Legion 9 months to construct a new building. He noted there is an existing site plan control agreement registered on title and the proposed purchaser has concerns who the owner is deemed to be in the agreement. He noted the Legion owes the municipality monies related to the development of the original building and the proposed owner does not want to be responsible for payment of these costs. He noted they are prepared to approach City Council to request deferral

of the payments owing to the municipality in the amount of \$191,825.00. He noted the cost for the sale of the existing building will finance a smaller 13,570 square foot building which will support the Legion operations.

Committee member J. Scott noted the memo received from Planning staff recommends the Committee consider one recommendation with consideration of the application which will allow the Legion to meet with City Council and a new site plan control agreement authored, if necessary.

Planner G. Austin noted the recommendations from Engineering Services are not necessary as the conditions form part of an existing site plan control agreement registered on title.

Having had regard to the matters that are to be had regard to 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 L. McNair and seconded by J. Andrews,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot, Concession 2, Division ‘C’, known as 919 York Road, a parcel with a frontage along York Road of 144.53 metres (474.18 feet) and a depth along Watson Parkway, South of 167.95 metres (551.02 feet), be approved, subject to the following conditions:

1. That a new or amended site plan agreement be executed and registered on title, containing any modified financial arrangements for the payment of City services as may be supported by City Council, to the satisfaction of the Director of Community Design and Development Services and the City Solicitor, prior to the endorsation of the deed.
2. That prior to issuance of a building permit, the applicant makes arrangements for provision of hydro servicing to the severed parcel, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
3. That prior to issuance of a building permit, the applicant submits a site plan showing the driveway location maintaining a minimum clearance of 1.5 metres from existing hydro poles, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. If this clearance is not provided, relocation of an existing hydro pole will be at the owner’s expense.
4. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of

Adjustment along with the administration fee required for endorsement, prior to January 25, 2009.

5. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
6. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
7. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

**Application:** B-3/08, B-4/08, A-6/08 and A-7/08

**Applicant:** Industrial Equities Guelph Corporation

**Agent:** Leslie Marlow

**Location:** 995 Southgate Drive and 348 Crawley Road

**In Attendance:** Leslie Marlow  
Ian Rawlings  
John Stirling  
Gary Fraser  
Stephen Wall  
Gary Fraser

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Leslie Marlow replied the signs were posted and revised comments were received from staff. He noted they agree with the conditions recommended by staff.

John Stirling noted he represents Courneys Alberta Ltd., the owners of 950 Southgate Drive. He noted there a distribution centre for TDL Group is located on the property with a total of up to 300 employees and plans are currently being discussed for an expansion of up to 100,000 square feet. He noted their concerns related to traffic generation and agreements in place for long term improvements for the Hanlon Parkway. He noted they would like the opportunity to discuss their concerns with the applicant and requested the decision of the Committee not be sent for a minimum of 7 days to allow for further discussions to occur.

Mr. Marlow noted they have no objection to the request.

Jim Mairs confirmed the Economic Development Department has been working in excess of 1 year with a client who would like to develop this site for a new Canadian distribution centre. He noted they would like to work with TDL and the applicant to address their concerns.

Application Number B-3/08

Having had regard to the matters that are to be had regard to 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 J. Scott and seconded by L. McNair,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 13, Concession 7, known as 995 Southgate Drive, a parcel with a frontage of 422.39 metres (1,385.79 feet) along Southgate Drive and an area of 13.6 hectares (33.61 acres), be approved, subject to the following conditions:

1. That prior to endorsonation of the deeds, the owner shall have an independent Professional Engineer and/or Ontario Land Surveyor prepare a reference plan identifying any easements/right-of-way and conveyances.
2. That the Southgate Drive extension including the turning circle across the lands to be retained (D); including an easement over a portion of the turning circle shall be deeded to the City, prior to endorsonation of the deeds, the City shall receive a letter from the O.L.S. preparing the plan that certifies that the layout of Southgate Drive and the turning circle conforms to the City's "Geometric Design Criteria - July 23, 1993".
3. That the owner agrees to develop and maintain the said lands and services in accordance with a Site Plan that has been submitted to and approved by the City Engineer. Furthermore, the owner shall have the Professional Engineer



who designed the services, certify to the City that he/she supervised the construction of the services and that the services were built as they were approved by the City and is functioning properly.

4. That the owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the said lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of a building permit.
5. That the owner shall make arrangements satisfactory to Bell Canada for the servicing of the said lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of a building permit.
6. That the owner shall make arrangements satisfactory to Union Gas for the servicing of the said lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of a building permit.
7. That the owner of the severed parcels (consolidated- 995 Southgate) agrees to allow temporary access across the severed parcels to facilitate the relocation of the stone dwelling known as 264 Crawley Road, to the satisfaction of the Director of Community Design and Development Services.
8. That when the stone dwelling is relocated, title to the lands shall be merged with the surrounding industrial lands, within 180 days of removal of the house, to the satisfaction of the Director of Community Design and Development Services.
9. The Developer shall retain the stone dwelling known municipally as 264 Crawley Road and the Developer shall maintain the building in a safe and secure condition. In the event of damage to the building, the Developer shall restore the building to a safe and secure condition with such restoration to take place forthwith after the occurrence of the damage. Furthermore, the Developer agrees to maintain property insurance for the full replacement value of the building.
10. The Developer acknowledges the Heritage Guelph, the municipal heritage committee's interest in making a recommendation to Guelph City Council to have the structure designated under the Ontario Heritage Act.
11. The Developer agrees that the stone house will be maintained in situ on the retained lot, or relocated in accordance with the preferred conservation option of the Built Heritage Resource Impact Assessment prepared by Owen Scott, dated January 23, 2007. The Developer shall prepare an updated report outlining how the structure will be relocated within the Southgate Business Park and further describe plans to promote the adaptive re-use of the house,

all to the satisfaction of Heritage Guelph prior to the relocation work commencing.

12. The Developer agrees to provide semi-annual correspondence (Spring and Fall) updating Heritage Guelph on the status of development of the site and/or plans to relocate the building. Details to be provided include a review of the condition of the building, maintenance measures undertaken and planned, and confirmation of insurance.
13. That application B-4/08 be approved, deeds endorsed and lands consolidated with 995 Southgate Drive, prior to the endorsement of the deeds for application B-3/08.
14. The Developer agrees that prior to registration of the Plan of Subdivision for the south industrial lands to Maltby (23T-06503), that the house will be relocated according to plans developed in consultation with Heritage Guelph and to the satisfaction of the Director of Community Design and Development Services unless alternative arrangements, including possible retention in situ, have been developed and are to the satisfaction of the Director of Community Design and Development Services in consultation with Heritage Guelph.
15. That an agreement be registered on title for both the severed and retained parcel, prior to the endorsement of the deeds.
16. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to January 25, 2009.
17. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
18. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
19. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number B-4/08

Having had regard to the matters that are to be had regard to 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 J. Scott and seconded by L. McNair,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 13, Concession 7, known as 348 Crawley Road, a parcel, irregular in shape with a frontage of 138.0 metres along Crawley Road and an area of 4.9 hectares (12.11 acres), be approved, subject to the following conditions:

1. That the proposed severed parcel of land be conveyed to the abutting owner as a lot addition only (Form 3 Certificate).
2. That prior to endorsation of the deeds, the owner shall have an independent Professional Engineer and/or Ontario Land Surveyor prepare a reference plan identifying any easements/right-of-way and conveyances.
3. That the Southgate Drive extension including the turning circle across the lands to be retained (D); including an easement over a portion of the turning circle shall be deeded to the City, prior to endorsation of the deed, the City shall receive a letter from the O.L.S. preparing the plan that certifies that the layout of Southgate Drive and the turning circle conforms to the City's "Geometric Design Criteria - July 23, 1993".
4. That the owner shall deed to the City free of all encumbrances a 10.0-metre (33.0 feet) wide parcel of land for a road widening across the entire frontage of 348 Crawley Road, prior to endorsation of the deeds.
5. That prior to endorsation of the deeds, the owner shall convey to the City a 0.30 metre reserve across the entire frontage of 348 Crawley Road, satisfactory to the City Engineer and the City Solicitor.
6. That the owner agrees to develop and maintain the said lands and services in accordance with a Site Plan that has been submitted to and approved by the City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the services, certify to the City that he/she supervised the

construction of the services and that the services were built as they were approved by the City and is functioning properly.

7. That the owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the said lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of a building permit.
8. That the owner shall make arrangements satisfactory to Bell Canada for the servicing of the said lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of a building permit.
9. That the owner shall make arrangements satisfactory to Union Gas for the servicing of the said lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of a building permit.
10. That the zoning of the severed parcel be changed to an appropriate Business Park zoning, prior to the endorsonation of the deeds.
11. That the owner shall deed to the City free of all encumbrances a 10.0 metre (33.0 feet) wide parcel of land for a road widening across the entire frontage of 348 Crawley Road, prior to endorsonation of the deeds.
12. That prior to the endorsonation of the deeds, the owner shall convey to the City a 0.30 metre reserve, along Crawley Road, satisfactory to the City Engineer and City Solicitor.
13. That an agreement be registered on title for the severed parcel containing these conditions, prior to the endorsonation of the deeds.
14. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to January 25, 2009.
15. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
16. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.

17. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number A-6/08

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 J. Scott and seconded by L. McNair,

“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 Section 4.1 and 4.10 of Zoning By-law (1995)-14864, as amended, for 264 Crawley Road, to permit the property to have no access to a public street (with the conveyance of a reserve along the Crawley Road property line) when the By-law requires building or structure shall be built upon any lot unless that lot abuts a street and to permit the property to retain the existing private septic system when the By-law requires no land shall be used for any purpose unless all municipal serves are available and adequate, be approved, subject to the following conditions:

1. That prior to any residential re-use of the lands, the owner shall submit an Engineer’s report to demonstrate to the satisfaction of the City Engineer that the existing septic system has adequate capacity and if it is shown not to be adequate, steps be required to increase the capacity of the system prior to allowing the variance as requested.
2. That prior to any residential re-use of the lands, the owner shall have an Ontario Land Surveyor show the location of the existing well, septic tank and tile bed, relevant to the existing property line.
3. That prior to any residential re-use of the lands, the owner shall satisfy the City's Chief Plumbing/Sewage System Inspector, that the well, septic tank and tile bed are located in accordance with all appropriate regulations.
4. That the conditions imposed for Application B-3/08 be and form part of this approval.”

Carried.

Application Number A-7/08

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 J. Scott and seconded by L. McNair,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 7.3.3. of Zoning By-law (1995)-14864, as amended, for 995 Southgate Drive, to permit the loading area associated with a proposed building to be located in the yard abutting Crawley Road (or abutting the Hanlon Parkway if Crawley Road is closed), when the By-law requires that no loading space be located in the front yard or exterior side yard or any yard between a lot line abutting the Hanlon Parkway, be approved, subject to the following conditions:

1. That prior to issuance of a building permit, the applicant makes arrangements for provision of hydro servicing to the severed parcel, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
2. That prior to issuance of a building permit, the applicant submits a site plan showing the driveway location maintaining a minimum clearance of 1.5 metres from existing hydro poles, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. If this clearance is not provided, relocation of an existing hydro pole will be at the owner’s expense.”

Carried.

**Application:** A-4/08  
**Applicant:** Delta Hotels  
**Agent:** Paul Gardian  
Alan Boivin  
**Location:** 50 Stone Road, West  
**In Attendance:** Paul Gardian  
Alan Boivin

The Secretary-Treasurer advised a letter was received from Aldo Braidia on behalf of his client, the owner of 35 Harvard Road, in objection to the application.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Boivin replied the notice sign was posted and comments were received from staff. He had no further information to add 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 P. Brimblecombe and seconded by J. Andrews,

“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 Sections 8.3.2.1.1. and 8.3.2.5.1. of Zoning By-law (1995)-14864, as amended, for 50 Stone Road, West, to permit a tavern use (restaurant to be open past 12:01 A.M. with the sale of alcohol) which has been constructed as part of a hotel complex intended for both hotel guests and the general public when the By-law permits, among other uses a restaurant or cafeteria enclosed within a multi-tenant building, be approved.”

Carried.

**Application: A-5/08**  
**Applicant: Mariann and Paul Binkley**  
**Agent: Mariann and Paul Binkley**  
**Location: 108 Severn Drive**  
**In Attendance: Marion and Paul Binkley**  
**Trevor Brick**  
**Marion Mahoney**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Binkley replied the notice sign was posted and comments were received from staff. He explained the deck was constructed in the side yard to provide access along that side of the house as there is a 7 foot drop to the rear yard area. He noted the deck was constructed on top of the swale.

There were no questions from the Committee.

Committee member J. Andrews noted staff has requested the Committee defer the application to consider the existing fence and landscaped strip adjacent to the driveway.

Trevor Brick noted he resides at 641 Grange Road and the fence is located on his property.

Mr. Binkley noted he would be willing to amend the application to bring back to the next Committee meeting. He noted he would meet with staff and discuss how much of the fence would have to be removed from the sight line triangle.

Moved by J. Scott and seconded by J. Andrews,

“THAT Application A-5/08 for Paul and Mariann Binkley at 108 Severn Drive be deferred until the February 12, 2008 meeting of the Committee of Adjustment and that the deferral fee be waived.”

Carried.

**Application: A-2/08**  
**Applicant: Muriel Bedrosian**  
**Agent: Fountain Santos**  
**Location: 471 York Road**  
**In Attendance: Muriel Bedrosian**  
**Fountain Santos**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mrs. Bedrosian replied the notice sign was posted and comments were received from staff.

Ms. Santos noted there was one objection relative to garbage and the collection of garbage. She noted the business will be small scale and all catering will be taken off-site. She noted they plan to remove their compost garbage daily to their farm.

In response to a question from Chair R. Funnell, Ms. Santos explained there will be no take out in the business.



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 J. Andrews and seconded by J. Scott,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 6.1.3.12.1. of Zoning By-law (1995)-14864, as amended, for 471 York Road, to permit a catering business where food is prepared for consumption off-site within the 68.67 square metre (750 square foot) unit on the main floor while maintaining one dwelling unit when the By-law permits a rubber stamp manufacturing shop and one dwelling unit within the existing building, be approved.”

Carried.

**Application:**            **A-3/08**  
**Applicant:**            **Tom and Alison Sharp**  
**Agent:**                 **Tom and Alison Sharp**  
**Location:**            **31 Whetstone Crescent**  
**In Attendance:**      **Tom and Alison Sharp**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Sharp replied the notice sign was posted and comments were received from staff. He explained he followed instructions for construction of a deck on the City’s web site and used the requirements for an interior lot whereas they are a corner lot.

There were no questions from the members of the Committee.

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. Brimblecombe and seconded by J. Scott,

“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 4.5.5.1. of Zoning By-law (1995)-14864, as amended, for 31 Whetstone Crescent, to permit a hot tub and associated screening to be situate within the required exterior side yard 1.52 metres (5 feet) from the exterior side yard property line when the By-law requires that no outdoor swimming pool shall be located in any part of a required front or exterior side yard, be approved.”

Carried.

**Application:** B-1/08  
**Applicant:** Evelyn Bayne  
**Agent:** Ken Spira  
**Location:** 769 Stone Road, East  
**In Attendance:** Evelyn Bayne  
Ken Spira

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Spira explained the notice sign was posted and comments were received from staff. He explained Mrs. Bayne proposes to transfer a portion of her property as a lot addition to his property at 58 Glenholm Drive. He noted he has spoken with staff about a future plan of subdivision and Mrs. Bayne does not want to be involved in the subdivision process and associated costs.

Having had regard to the matters that are to be had regard to 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 L. McNair and seconded by P. Brimblecombe,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Line 1, East of Blind Line, Registered Plan 131, being part of the lands associated with the property municipally known as 769 Stone Road, East, a parcel with a width of 110.3 metres (361.87 feet) and a depth of 76.2 metres (250 feet), as a lot addition to the property municipally known as 58 Glenholm Drive, be approved, subject to the following conditions:

1. That the proposed severed parcel of land be conveyed to the abutting owner as a lot addition only (Form 3 Certificate).

2. That the following covenant is incorporated in the deed:-

"The conveyance of **(Severed Lands - legal description - Lot and Plan)**, City of Guelph, County of Wellington, designated as **(Part and 61R-Plan Number)** as a lot addition only to **(Legal Description of Lands to be joined with - Lot and Plan)**, and shall not be conveyed as a separate parcel from **(Legal Description of Lands to be joined with - Lot and Plan)**."

3. That prior to issuance of a building permit, the applicant submits a site plan showing the driveway location maintaining a minimum clearance of 1.5 metres from the existing hydro pole, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. If this clearance is not provided, relocation of the existing hydro pole will be at the owner's expense.

4. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to January 25, 2009.

5. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.

6. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.

7. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

The meeting adjourned at 7:40 p.m.

R. Funnell  
Chair

K. E. Fairfull  
Secretary-Treasurer

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday February 12, 2008 at 4:30 p.m., in Council Committee Room B, City Hall, with the following members present:

R. Funnell, Chair  
L. McNair  
P. Brimblecombe  
D. Kelly  
J. Andrews  
J. Scott

Regrets: A. Clos

Staff Present: G. Atkinson, Planner  
K. Fairfull, Secretary-Treasurer

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Minutes from Last Meeting

Moved by L. McNair and seconded by P. Brimblecombe,

“THAT the Minutes from the January 22, 2008 Regular Meeting of the Committee of Adjustment, be approved, as amended.”

Carried.

Chair R. Funnell accepted the resignation of Committee member J. Scott who has recently retained a new position requiring a move to Thunder Bay. He presented a small token of the Committee’s appreciation for his hard work on the Committee.

Moved by L. McNair and seconded by J. Andrews,

“THAT the Chair of the Committee of Adjustment, accepts, with regret the resignation from Jason Scott.”

### Election of Chair and Vice-Chair for 2008

The Secretary-Treasurer asked if there were any nominations from the floor for Chair of the Committee of Adjustment for 2008.

Moved by P. Brimblecombe and seconded by J. Andrews,

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“THAT Ray Funnell be nominated as Chair for the Committee of Adjustment for the year 2008.”

Carried.

Committee R. Funnell member accepted the nomination.

There were no further nominations.

Moved by J. Andrews and seconded by L. McNair,

“THAT the nominations for Chair of the Committee of Adjustment for 2008 be closed.”

Carried.

The Chair Ray Funnell was elected by acclamation.

The Secretary-Treasurer asked if there were any nominations from the floor for Vice-Chair of the Committee of Adjustment for 2008.

Moved by J. Andrews and seconded by D. Kelly,

“THAT L. McNair be nominated as Vice-Chair for the Committee of Adjustment for the year 2008.”

Carried.

Committee member L. McNair accepted the nomination.

There were no further nominations.

Moved by P. Brimblecombe and seconded by J. Scott,

“THAT the nominations for Vice-Chair of the Committee of Adjustment for 2008 be closed.”

Carried.

The Vice-Chair L. McNair was elected by acclamation.

### Other Business

The Secretary-Treasurer requested the Committee nominate two members to attend the annual conference in North Bay.

The Committee discussed and decided Committee member D. Kelly and Chair R. Funnell would attend the annual conference.

Applications A-39/07 to A-46/07 – Baxter Drive

The Secretary-Treasurer advised the Committee reserved their decision on the applications at the May 8, 2007 meeting of the Committee of Adjustment until registration of the plan. She advised Registered Plan 61M-143 was registered on October 30, 2007.

Application Number A-39/07

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 J. Andrews and seconded by P. Brimblecombe,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2-Row 7 of Zoning By-law (1995)-14864, as amended, for 106 Baxter Drive (Lot 129, Plan 61M-143), to permit the option of a loft for a two storey dwelling with a side yard of 1.85 metres (6.06 feet) when the By-law requires a minimum side yard for a residential dwelling over 2 storeys be 2.4 metres (7.87 feet), be approved.”

Carried.

Application Number A-40/07

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 J. Andrews and seconded by P. Brimblecombe,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2-Row 7 of Zoning By-law (1995)-14864, as amended, for 108 Baxter Drive (Lot 130, Plan 61M-143), to permit the option of a loft for a two storey dwelling with a side yard of 1.85 metres (6.06 feet) when the By-law requires a minimum side yard for a residential dwelling over 2 storeys be 2.4 metres (7.87 feet), be approved.”

Carried.

Application Number A-41/07

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 J. Andrews and seconded by P. Brimblecombe,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2-Row 7 of Zoning By-law (1995)-14864, as amended, for 110 Baxter Drive (Lot 131, Plan 61M-143), to permit the option of a loft for a two storey dwelling with a side yard of 1.85 metres (6.06 feet) when the By-law requires a minimum side yard for a residential dwelling over 2 storeys be 2.4 metres (7.87 feet), be approved.”

Carried.

Application Number A-42/07

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 J. Andrews and seconded by P. Brimblecombe,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2-Row 7 of Zoning By-law (1995)-14864, as amended, for 112 Baxter Drive (Lot 132, Plan 61M-143), to permit the option of a loft for a two storey dwelling with a side yard of 1.85 metres (6.06 feet) when the By-law requires a minimum side yard for a residential dwelling over 2 storeys be 2.4 metres (7.87 feet), be approved.”

Carried.

Application Number A-43/07

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 J. Andrews and seconded by P. Brimblecombe,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2-Row 7 of Zoning By-law (1995)-14864, as amended, for 114 Baxter Drive (Lot 133, Plan 61M-143), to permit the option of a loft for a two storey dwelling with a side yard of 1.85 metres (6.06 feet) when the By-law requires a minimum side yard for a residential dwelling over 2 storeys be 2.4 metres (7.87 feet), be approved.”

Carried.

Application Number A-44/07

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 J. Andrews and seconded by P. Brimblecombe,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2-Row 7 of Zoning By-law (1995)-14864, as amended, for 116 Baxter Drive (Lot 134, Plan 61M-143), to permit the option of a loft for a two storey dwelling with a side yard of 1.85 metres (6.06 feet) when the By-law requires a minimum side yard for a residential dwelling over 2 storeys be 2.4 metres (7.87 feet), be approved.”

Carried.

Application Number A-45/07

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 J. Andrews and seconded by P. Brimblecombe,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2-Row 7 of Zoning By-law (1995)-14864, as amended, for 118 Baxter Drive (Lot 135, Plan 61M-143), to permit the option of a loft for a two storey dwelling with a side yard of 1.85 metres (6.06 feet) when the By-law requires a minimum side yard for a residential dwelling over 2 storeys be 2.4 metres (7.87 feet), be approved.”

Carried.



Application Number A-46/07

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 J. Andrews and seconded by P. Brimblecombe,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2-Row 7 of Zoning By-law (1995)-14864, as amended, for 120 Baxter Drive (Lot 136, Plan 61M-143), to permit the option of a loft for a two storey dwelling with a side yard of 1.85 metres (6.06 feet) when the By-law requires a minimum side yard for a residential dwelling over 2 storeys be 2.4 metres (7.87 feet), be approved.”

Carried.

**Application: A-10/08**  
**Applicant: Sousa and Saraivo**  
**Agent: Ross Sousa**  
**Location: 206 Speedvale Avenue, West**  
**In Attendance: Ross Sousa**

The Secretary-Treasurer read a letter submitted in support of the application.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Sousa replied the notice sign was posted and comments were received from staff. He had no further information to add to the application.

Committee member L. McNair questioned if the shop was open.

Mr. Sousa replied the business is not open to date.

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. McNair and seconded by P. Brimblecombe,

“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 6.4.3.1.41.1 of Zoning By-law (1995)-14864, as amended, for 206 Speedvale Avenue, West, to permit a personal service establishment in Unit 3 comprising an area of 92.9 square metres (1,000 square feet) when the By-law permit, among other uses: a laboratory, medical clinic, drug store, convenience store, office or agency and research establishment, be approved.”

Carried.

**Application:** A-11/08  
**Applicant:** Paul, Gerard and John Haley  
**Agent:** Donna Haley  
**Location:** 228 Edinburgh Road, South  
**In Attendance:** Donna Haley

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. Haley replied the notice sign was posted and comments were reviewed by the applicant.

Chair R. Funnell noted staff are recommending a road widening dedication which may not be applicable for this application.

Committee member P. Brimblecombe requested more information concerning the design of the porch.

Ms. Haley replied the inspector suggested the stairs be changed.

Committee member L. McNair questioned if a site plan will need to be submitted.

Planner G. Atkinson replied a site plan will not be required at this time.

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 J. Scott and seconded by D. Kelly,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7

– Row 1 of Zoning By-law (1995)-14864, as amended, to permit a 1.82 metre by 3.05 metre (6 foot by 10 foot) porch with 0.91 metre (3 foot) wide stairs to project 5.95 metres (19.52 feet) into the required front yard while maintaining a 3.81 metre (12.5 foot) setback from the front property line when the By-law requires that an uncovered porch not more than 1.2 metres (3.93 feet) above finished grade project a maximum of 3 metres (9.84 feet) into the required front yard and be setback a minimum of 0.8 metres (2.62 feet) from the front lot line, be approved.”

Carried.

**Application:** A-8/08  
**Applicant:** Mervin and Flo Little  
**Agent:** Mervin and Flo Little  
**Location:** 39 Carere Crescent  
**In Attendance:** Mervin, Flo and Nancy Little

The Secretary-Treasurer read an email sent in support of the application.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Little replied the notice sign was posted and comments were received from staff.

Committee member L. McNair questioned if they had any objection to limiting the application to a maximum one bedroom apartment.

Secretary-Treasurer noted the Zoning By-law permits two bedroom units.

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 J. Andrews and seconded by D. Kelly,

“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 4.1.1.5 of Zoning By-law (1995)-14864, as amended, for 39 Carere Crescent, to permit an accessory apartment with an area of 107.58 square metres (1,158 square feet) when the By-law requires the total floor area of the accessory apartment not exceed an area of 80 square metres (861.11 square feet), be approved, subject to the following condition:

1. That the accessory apartment be limited to an area not exceeding 107.58 square metres (1,158 square feet)."

Carried.

**Application:** A-9/08  
**Applicant:** Paul Edwards  
**Agent:** Paul Edwards  
**Location:** 35 Drohan Drive  
**In Attendance:** Paul Edwards

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Edwards replied the notice sign was posted and comments were received from staff. He had no further information to add 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 J. Scott and seconded by J. Andrews,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 – Row 12 of Zoning By-law (1995)-14864, as amended, for 35 Drohan Drive, to permit a driveway width of 5 metres (16.4 feet) which would occupy 55.56% of the front yard to allow for a third off-street parking space for an accessory apartment when the By-law requires the driveway shall not constitute more than 55% of the front yards and the maximum driveway width be 4.95 metres (16.24 feet), be approved, subject to the following condition:

1. That the existing curb cut is not to exceed 5.0 metres (16.4 feet) in width."

Carried.

**Application:** A-5/08  
**Applicant:** Mariann and Paul Binkley  
**Agent:** Mariann and Paul Binkley

**Location: 108 Severn Drive**

**In Attendance: Mariann and Paul Binkley  
Maryanne Binkley**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Binkley replied the notice sign was posted and comments were received from staff.

There were no questions from the Committee.

Committee member L. McNair questioned if the applicant intends to comply with the height requirements for the fence.

Mrs. Binkley replied the fence is located along the rear lot line of 641 Grange Road. She advised the owner agreed to remove one panel within the next 90 days.

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 J. Scott and seconded by J. Andrews,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7 – Row 1 and Table 5.1.2 – Row 12 of Zoning By-law (1995)-14864, as amended, for 108 Severn Drive,

- a) to permit the existing 0.91 metre by 12.19 metre (3 foot by 40 foot) porch constructed in the right side yard to be situate 0.18 metres (0.59 feet) from the right side lot line when the By-law requires that an uncovered porch not more than 1.23 metres (3.93 feet) above finished grade be located a minimum of 0.6 metres (1.96 feet) from the side lot line, and,
- b) to permit a 0.3 metre (1 foot) wide landscaped strip between the driveway asphalt and the right side lot line when the By-law requires a minimum area of 0.6 metres (1.96 feet) between the driveway and nearest lot line be maintained as a landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species,

be approved.”

Carried.

**Application:**        **A-12/08**  
**Applicant:**         **Claudio Daniel**  
**Agent:**             **Claudio Daniel**  
**Location:**         **23 Dodds Avenue**  
**In Attendance:**    **Claudio Daniel**

The Committee reviewed the letter submitted in support of the application and a letter submitted in objection to the application.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Daniel replied the notice sign was posted and comments were received from staff. He noted he was not knowledgeable about what is considered to be a front yard and rear yard respecting fence heights and proceeded to construct the fence now knowing it was located in the front yard. He noted the fence has existed for two years and his neighbours all agree the fence is attractive.

In response to a question from Committee member P. Brimblecombe, Mr. Daniel replied the storage shed was constructed on a cement pad.

Committee member L. McNair expressed concern if the style of fence constructed would meet the requirements of the Swimming Pool By-law as the fence should be non-scalable.

Planner G. Atkinson suggested the Committee could consider imposing a condition the fence comply with the Swimming Pool By-law.

Mr. Daniel replied he would be willing to change the design of the fence to comply with the Swimming Pool By-law.

Committee member L. McNair suggested the height and design may result in the fence falling down in a short period of time.

Committee member D. Kelly questioned if the owner of 7 Balsarroch Place is a new neighbour.

Mr. Daniel replied his neighbour purchased the property in July and fence has been there for 2 years. He explained he contacted the owner of 7 Balsarroch Place when the fence was constructed and questioned if he would like to share in the cost. He noted the owner had no interest in sharing the cost and gave his blessing to construct it along the lot line.

Committee member P. Brimblecombe questioned if the owner of the property resides at 7 Balsarroch Place.

Mr. Daniel replied he is not sure if he resides there.

Committee member J. Scott noted the solid nature of the fence mitigates and removes the temptation for young minds to access the pool and noted it is the applicant's responsibility to ensure the fence is in good repair at all times.

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 J. Scott and seconded by J. Andrews,

"THAT in the matter of an application under Section 45(1) of the Planning Act, .S.O. 1990, c.P13, as amended, variances from the requirements of Sections .20.0, 4.20.10.3, 4.6.1.(ii), 4.5.5.1, 4.5.1 and 4.5.1.2 of Zoning By-law (1995)-14864, as amended, for 23 Dodds Avenue,

- a) to permit a 2.13 metre (7 foot) high fence located in the front yard situate along the side property line, front property line (Balsarroch Place) and extending from Balsarroch Place to the front main wall of the dwelling when the By-law requires that within any residential zone any fence located in the front yard shall have a maximum height of 0.8 metres (2.62 feet);
- b) to permit the 2.13 metre (7 foot) high wood fence situate along the interior side property line when the By-law requires that within any residential zone any fence located in the interior side yard shall have a maximum height of 1.9 metres (6.23 feet);
- c) to permit a portion of the existing and proposed 2.13 metre (7 foot) high fence to be situate within a portion of the sight line triangle of the Balsarroch Place and Dodds Avenue street lines when the By-law requires that on a corner lot the maximum fence height within the sight line triangle be 0.8 metres (2.62 feet);
- d) to permit a 2.43 metre (8 foot) diameter inflatable pool to be situation within the required front yard when the By-law requires an outdoor swimming pool not be located in any part of a required front or exterior side yard;
- e) to permit a 2.44 metre by 3.66 metre (8 foot by 12 foot) accessory building to be situate within the required front yard when the By-law requires an accessory building or structure occupy a yard other than a required front or exterior side yard;
- f) to permit the accessory building to be situate 0.3 metres (1 foot) from the front lot line (Balsarroch Place and side property line when the By-law requires that an accessory building be located a minimum of 0.6 metres (1.96 feet) from any lot line,

be approved, subject to the following conditions:

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1. That the existing and proposed 2.13 metre (7 foot) high wood fence not extend beyond the front main wall of the dwelling.
2. That the variance to permit a pool within the front yard be limited to an 'inflatable' pool.
3. That confirmation be received from City staff the fence meets the design requirements for swimming pools.
4. That prior to issuance of a building permit, the applicant ensures the overhead hydro supply meets clearance standards of the Ontario Electrical Code from the above-ground swimming pool."

The meeting adjourned at 5:45 p.m.

R. Funnell  
Chair

K. E. Fairfull  
Secretary-Treasurer



## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held a Regular Meeting on Tuesday March 11, 2008 at 4:30 p.m. in Council Committee Room B, City Hall, with the following members present:

R. Funnell, Chair  
L. McNair  
J. Andrews  
D. Kelly  
P. Brimblecombe

Regrets: A. Clos

Staff Present: C. Musselman, Planner  
K. Fairfull, Secretary-Treasurer

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Approval of Minutes

Moved by J. Andrews and seconded by P. Brimblecombe,

“THAT the Minutes from the February 12, 2008 Regular Meeting of the Committee of Adjustment, be approved, as amended.”

Carried.

### Other Business

The Secretary-Treasurer advised she received notice from the Ontario Municipal Board for the rehearing of Application A-34/07 at 169-173 Bristol Street. She explained the hearing will be held on Thursday April 3, 2008 at 10:30 a.m. in the Council Chambers, City Hall.

The Secretary-Treasurer advised she received notice from the Ontario Municipal Board for an upcoming hearing for Application A-121/07 at 154 Dublin Street, North. She noted the hearing will be held on May 13, 2008 at 10:30 a.m. in the Council Chambers.

The Secretary-Treasurer advised she spoke with the City Clerk's Office who confirmed a member has not been appointed to date to fill Jason Scott's position.

**Application:** B-5/08  
**Applicant:** Guelph Junction Railway  
**Agent:** Scott Galajda; Miller Thomson  
**Location:** 5 Arthur Street, South  
**In Attendance:** Scott Galajda

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Galajda replied the notice sign was posted and comments were received from staff. He advised he had no objection to the recommendations. He noted the easements have continued for a long period of time and the new owner would like title cleared.

Having had regard to the matters that are to be had regard to 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. Brimblecombe and seconded by J. Andrews,

“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 an easement over Part of Grist Mill Lands, East side of River Speed, described as Part 7, Reference Plan 61R-10767, and Part of Lot 35, Registered Plan 161, described as Part 3, Reference Plan 61R-10765, being part of the lands associated with 5 Arthur Street, South, to establish an easement for vehicular access over Guelph Junction Railway property in favour of 5 Arthur Street, South [Part 7, Reference Plan 61R-10767] and to establish an easement over a portion of an existing walkway between 64 Duke Street and 5 Arthur Street, South [Part 3, Reference Plan 61R-10765], be approved, subject to the following conditions:

1. That prior to endorsation of the deeds, the dominant tenement (Guelph Junction Railway), grants an easement approximately 15.243-metre (50.00 feet) by 19.909-metre (65.32 feet) wide by approximately 21.20-metre (69.55 feet) by 35.871-metre (117.69 feet) length vehicular access easement (Part 7, on Reference Plan 61R-10767) registered on title, in favour of the servient tenement (5 Arthur Street, South).
2. That prior to endorsation of the deeds, the dominant tenement (Guelph Junction Railway), grants an easement irregular in shape approximately 2.370-metre (50.00 feet) wide by approximately 35.797-metre (117.44 feet) by 36.126-metre (118.52 feet) length walkway easement (Part 3, on Reference Plan 61R-10765) registered on title, in favour of the servient tenement (5 Arthur Street, South and 64 Duke Street).

3. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to March 14, 2009.
4. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
5. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
6. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

**Application:**            **A-13/08**  
**Applicant:**            **Kambi Holdings Inc.**  
**Agent:**                 **Jasjit Kambo**  
**Location:**            **245 Southgate Drive**  
**In Attendance:**      **Jasjit Kambo**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Kambo replied the notice sign was posted and comments were received. He had no further information to add 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 L. McNair and seconded by D. Kelly,

“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 4.13.4.2 of Zoning By-law (1995)-14864, as amended, for 245 Southgate Drive, to occupy a 18.19 square metre (195.79 square foot) office space in the second floor mezzanine for Unit 8, and to provide 96 off-street parking spaces when the By-law would require a total of 106 off-street parking spaces, be approved.”

Carried.

**Application:** A-19/08  
**Applicant:** Robert Shuh  
**Agent:** Cynthia Hastings  
**Location:** 596 Silvercreek Parkway, North  
**In Attendance:** Cynthia Hastings

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. Hastings replied the notice sign was posted and comments were received from staff. She noted her client is selling the property and wants to clean up any outstanding matters before the sale. She noted they have no objection to the recommended conditions.

Committee member P. Brimblecombe questioned if the house and garage was used for storage.

Ms. Hastings replied the garage was converted to storage many years ago and the house contains storage and office uses. She noted there was comment one container was located on the road allowance, which has been removed.

Planner C. Musselman suggested the Committee consider including the conditions from Planning Services as the actual road widening dedication will be requested through the site plan approval process.

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. Brimblecombe and seconded by L. McNair,

“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

7.1.3 of Zoning By-law (1995)-14864, as amended, for 596 Silvercreek Parkway, North, to permit storage facilities to be located within the accessory building and on the property and to permit storage and office use within a former residential unit, be approved, subject to the following conditions:

1. The owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, building elevations, grading, drainage, and servicing for the said lands, to the satisfaction of the Director of Community Design and Development Services, within one (1) year of the Committee's, or the application with become null and void.
2. That the owner shall develop the property in accordance with the site plan approved under Section 41 of The Planning Act, within ninety (90) days from the date of site plan approval."

Carried.

**Application: A-23/08**  
**Applicant: Charles Ridgeway/Hydra-Air Radiators**  
**Agent: Mark Sharpe**  
**Location: 715 Speedvale Avenue, West**  
**In Attendance: No One**

The Secretary-Treasurer advised this application has been re-circulated for the March 25<sup>th</sup> meeting as the proposed use was to occupy the entire ground floor. She suggested the Committee consider waiving the deferral fee for the application.

Moved by P. Brimblecombe and seconded by L. McNair,

"THAT Application A-23/08 for Charles Ridgeway/Hydra-Air Radiators be deferred until the March 25, 2008 Regular Meeting of the Committee of Adjustment to allow for recirculation of the application, and, THAT the deferral fee be waived for the recirculation."

Carried.

**Application: A-18/08**  
**Applicant: Elizabeth Bowden**  
**Agent: Jim Fryett**  
**Location: 11 Harcourt Drive**

**In Attendance:**     **Elizabeth Bowden**  
                          **Bill Gilbert**  
                          **Jim Fryett**  
                          **Carrie Heffner**

The Secretary-Treasurer advised there was two letters received on the application which had been forwarded to Committee members.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Fryett replied the notice sign was posted and comments were received from staff. He explained they have reviewed the comments and they are in agreement with the recommended condition from Engineering Services.

Committee member D. Kelly questioned who owned the cedar trees along the right side lot line.

Jim Fryett replied the cedar trees are located on the applicant's property inside the property line. He further advised the existing tree in the front yard will be protected during construction. He noted they designed the addition so the front façade was setback back from the existing garage which would deemphasize the addition.

Committee member L. McNair questioned if the existing brick would be utilized on the front façade.

Jim Fryett replied they will be removing a portion of the existing wall and utilizing the bricks. He noted garage doors will be provided at the front and rear of the addition to allow for access for lawn mowers.

Committee member D. Kelly expressed concern about the wide spaces between properties along the street and the proposed addition being located close to the lot line. She questioned if the applicant had spoken with the neighbours about the proposal.

Elizabeth Bowden replied she met with one of the owners and spoke to her about making the application to the Committee. She noted there were no concerns expressed at that time.

Committee member J. Andrews noted there is a distance of 4.2 metres between the wall of 9 Harcourt Drive and the proposed addition. He clarified this clearance is not from the shed located on the lot line of 9 Harcourt Drive.

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 J. Andrews and seconded by P. Brimblecombe,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 – Row 7 of Zoning By-law (1995)-14864, as amended, for 11 Harcourt Drive, to construct a 3.4 metre by 8.76 metre (11.15 foot by 28.75 foot) garage addition which would be situate .75 metres (2.46 feet) from the right side lot line when the By-law requires a minimum side yard of 1.5 metres (4.92 feet), be approved, subject to the following condition:

1. That the owner shall pay for the actual cost of the construction of the new driveway entrance including the required curb cut, with the estimated cost of the works, as determined necessary by the City Engineer being paid, prior to the issuance of a building permit.”

Carried.

**Application: A-17/08**  
**Applicant: Niranchala Elavalakanar**  
**Agent: Niranchala Elavalakanar**  
**Location: 25 Zecca Drive**  
**In Attendance: No One**

The Secretary-Treasurer provided background related to the application and explained the application would require recirculation and will be considered at the April 8, 2008 meeting.

Moved by L. McNair and seconded by P. Brimblecombe,

“THAT Application A-17/08 for Niranchala Elavalakanar at 25 Zecca Drive, be deferred until the April 8, 2008 Regular Meeting of the Committee of Adjustment, and,  
THAT the deferral fee be waived for the application.”

Carried.

**Application: A-16/08**  
**Applicant: Chatha Devinder**  
**Agent: Menjit Thabl**  
**Location: 25 Gosling Gardens**  
**In Attendance: Menjit Thabl**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. Thabl replied the notice sign was posted and comments were received from staff. She had no further information to add to the application.

In response to a question from Committee member L. McNair, Ms. Thabl explained they can park one car in the garage and two cars in the driveway.

Committee member D. Kelly questioned Planner C. Musselman if a 5 metre wide driveway would provide the required three parking spaces for an accessory apartment.

Planner C. Musselman replied the 5 metre wide driveway could accommodate two parking spaces with one parking space being provided in the attached garage. She explained Planning staff will support a 5 metre wide hard surface which will accommodate two – 2.5 metre wide parking spaces side by side. She noted a 5 metre wide surface would require the removal of the concrete curbing and decreasing the width of the driveway. She noted any driveway width beyond 5 metres will not be consistent with the neighbourhood and overpowers the building façade.

Committee member M. McNair commented that if the concrete curbing is removed the required landscaped strip can be provided.

The Committee resolved the concrete curbing can be removed and the driveway and landscaped strip can comply with By-law requirements.

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. Brimblecombe and seconded L. McNair,

“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 12 of Zoning By-law (1995)-14864, as amended, for 25 Gosling Gardens, to allow for an accessory apartment and,

- a) to permit the existing driveway to have a width of 5.98 metres (19.62 feet) which constitutes 66% of the front yard when the By-law requires a maximum driveway width of 4.95 metres (16.2 feet) and the driveway shall not constitute more than 55% of the front yard and,
- b) to permit the landscaped strip between the driveway and the nearest lot line to have a width of 0.10 metres (.32 feet) when the By-law requires a minimum width for the landscaped strip between the driveway and the nearest lot line to be 0.6 metres (1.96 feet)

be refused.”



Carried.

**Application:** A-20/08  
**Applicant:** Kirk and Claudia Runaman  
**Agent:** Kirk and Claudia Runaman  
**Location:** 135 Mary Street  
**In Attendance:** Claudia Runaman  
Bill Januszkiewicz

The Secretary-Treasurer advised letters had been received from neighbours in objection to the application which were distributed to Committee members with their packages.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. Runaman replied the notice sign was posted and comments were received from staff. She explained they recently purchased the dwelling and the existing basement area had three bedrooms however the construction did not comply with the Ontario Building Code.

Mr. Januszkiewicz addressed the area of the basement. He explained the area was determined based on the area to be calculated under the Ontario Building Code which has different criteria than how the area is calculated in the Zoning By-law. He explained the criteria for the calculation of area under the Ontario Building Code does not include the exit stairs and furnace room.

Planner C. Musselman noted the area calculated is different in the Zoning By-law and Ontario Building Code. She noted when staff recommended the regulations respecting accessory apartments it was stressed the accessory unit remain accessory to the main unit. He explained the shared rental housing review was a consultative process the number of bedrooms and area of an accessory were reduced to address concerns from the neighbourhoods.

Ms. Runaman identified the rental properties in the area on a map and noted the rental unit would be in conformity with area development.

Committee member P. Brimblecombe questioned if the long term plan is to rent the building out.

Ms. Runaman replied her long term plan is to rent out the entire house.

Mr. Januszkiewicz noted there are no egress windows in the entire basement and financial implications are involved in the upgrade of the unit to comply with the Ontario

Building Code and Fire Code. He noted there have been three bedrooms in the basement for a considerable length of time.

Committee member L. McNair questioned if the furnace room and stairwell was calculated in the area for the accessory unit.

Planner C. Musselman replied Zoning staff calculated furnace room as part of the area.

Discussion among the Committee identified the accessory unit could be redesigned to provide two bedrooms. There was no concern about the area of the unit as it would occupy 106 square metres being 48% of the total floor area, however they did not support three bedrooms.

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. Kelly and seconded by P. Brimblecombe,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, for 135 Mary Street, to establish an accessory apartment requiring,

- a variance from the requirements of Section 4.15.1.7. of Zoning By-law (1995)-14864, as amended, to permit the accessory apartment to have 3 bedrooms when the By-law requires an accessory apartment shall not contain more than two bedrooms,  
be refused,  
and,
- a variance from the requirements of Section 4.15.1.5. of Zoning By-law (1995)-14864, as amended, to permit an accessory apartment with a total area of 106 square metres occupying a total of 48% of the total floor area when the By-law requires a maximum area for an accessory unit of 80 square metres and not to exceed 45% of the total floor area,

be approved, subject to the following conditions:

1. That the area of the accessory unit approved be maximum 106 square metres minus the area occupied by the furnace room and the stairway].
2. That prior to the issuance of a building permit, the owner submits a site plan to the Director of Community Design and Development Services and the City Engineer showing that the existing driveway will support four (4) vehicles without encroaching onto the City road allowance.”

Carried.

**Application:**           **A-22/08**

**Applicant:**           **Martha and Peter Dickie**

**Agent:**               **Martha and Peter Dickie**

**Location:**           **154 Country Club Drive**

**In Attendance:**      **Peter Dickie**  
                              **Mary Richie**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Dickie replied the notice sign was posted and comments were received from staff. He noted he spoke with all his neighbours and received positive feedback. He noted he wanted to construct the accessory apartment for his mother-in-law who currently resides on Vista Terrace and the stairs are getting too much for her.

There were no questions from members of the Committee.

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 J. Andrews and seconded by L. McNair,

“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., 4.6.1(i) and 4.20.10.1 of Zoning By-law (1995)-14864, as amended, for 154 Country Club Drive, to construct a 6.1 metre by 9.75 metre addition for an accessory unit including an open roofed porch and to extend a 1.52 metre (5 foot) high fence to and along the Pondview Crescent property line, requiring variances from the By-law,

- a) to permit the off-street parking space to be situate ahead of the front wall of dwelling and 4.57 metres (15 feet) from the Pondview Crescent street line when the By-law requires in an R.1 zone every parking space shall be located a minimum distance of 6 metres (19.68 feet) from the street line and to the rear of the front wall of the main building or structure;
- b) to permit a portion of a third off-street parking space for an accessory apartment be permitted within the sight line triangle when the By-law requires 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 (29.53 feet) from that point of intersection, no building, structure, play equipment, statue or parked motor vehicle shall be located; and,

- c) to permit 1.52 metre (5 foot) high fence to extend from the proposed addition front wall to and along the Pondview Crescent property line when the By-law requires within any residential zone any fence located in the exterior side yard shall not exceed 2.5 metres (8.2 feet) in height from the midpoint of the main building to the rear property line and not within 4 metres (13.12 feet) of the street line,

be approved, subject to the following conditions:

1. That the owner shall pay the full cost associated with the removal and/or relocation of the existing 1.52-metre (5.0 feet) high wood fence and the existing 0.75-metre (2.46 feet) to 0.90-metre (2.95 feet) high cedar rail fence and posts from the road allowance to the property line that are encroaching on the Pondview Crescent and Country Club Drive road allowances, prior to the issuance of any building permit.
2. If the owner decides to leave the existing 1.52-metre (5.0 feet) high wood fence and the existing 0.75-metre (2.46 feet) to 0.90-metre (2.95 feet) high cedar rail fence and posts to encroach onto the Pondview Crescent and Country Club Drive road allowances and construct the proposed 1.52-metre (5.0 feet) high wood fence from the proposed addition front wall to the existing 1.52-metre (5.0 feet) high wood fence that encroaches onto the Pondview Crescent road allowance, then the owner shall apply to the City Solicitor for an encroachment agreement and obtains approval for the encroachments, prior to the issuance of any building permit.”

Carried.

**Application:** A-21/08  
**Applicant:** Habitat for Humanity Wellington County  
**Agent:** Chris Moore, Tacoma Engineers  
**Location:** 18 Harris Street  
**In Attendance:** Chris Moore  
Claire Irwin  
Diane Nelson  
Cathy Pickford

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. Irwin replied the notice sign was posted and comments were received from staff.

Committee member L. McNair questioned if the house could be setback further from the street.

Mr. Moore replied if they move the house back the design would not be in compliance with recommendations from a previous Committee of Adjustment decision that the house be constructed in line with current dwellings.

Planner C. Musselman noted staff did meet with the applicant and they felt that to fit in with the overall look of the street staff would prefer the porch in its present location and noted one off-street parking space will be adequate for this development. She explained the street is a dead end street and the location of the off-street parking spaces should not have any impact with people walking.

Cathy Pickford noted she resides next the property. She requested consideration be given to the mature maple trees at the front of the lot on City property and one located at the rear of the property.

Mr. Moore noted they agreed efforts will be given to maintaining the existing trees during construction.

Planner C. Musselman suggested the Committee consider a condition that tree protection fencing be installed prior to construction and to install the inlet identified in the rear yard as far away as possible from the base of the tree.

Committee member L. McNair questioned if there will be a full foundation.

Mr. Moore replied there will be a crawl space only.

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. McNair and seconded by J. Andrews,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7 – Row 3 and Section 4.13.2.1. of Zoning By-law (1995), to construct a residential dwelling with a roofed porch and to permit the off-street parking space to be located 3.21 metres (10.53 feet) from the front lot line when the By-law requires the off-street parking space be located to the rear of the main front wall of the building and a minimum of 6 metres (19.68 feet) from the front property line and to permit a roofed porch to be located 1.25 metres (4.1 feet) from the front lot line when the By-law requires that a roofed porch be located a minimum of 2 metres (6.56 feet) from the front lot line, be approved, subject to the following condition:

1. That the applicant take measures to protect adjacent trees that may be impacted by the development by installing tree protective fencing, to the satisfaction of the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwelling.”

Carried.

**Applications: B-7/08 to B-13/08**  
**Applicant: Carson Reid Homes**  
**Agent: Nancy Shoemaker, Black, Shoemaker, Robinson & Donaldson**  
**Location: Creekside Drive and Watson Road, North**  
**In Attendance: Nancy Shoemaker**

Chair R. Funnell questioned if the signs had been posted in accordance with Planning Act requirements.

Ms. Shoemaker replied the notice signs were posted and comments were received from staff. She explained the recommendations are identical to what was provided with the rezoning.

There were no questions from members of the Committee.

Application Number B-7/08

Having had regard to the matters that are to be had regard to 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. Kelly and seconded by P. Brimblecombe,

“THAT in the matter of an application under Section 55(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Original Road Allowance Between Lots 5 and 6, Concession 3, Division ‘C’, Part of Lot 6, Concession 3, Division ‘C’, to be known as 177 Watson Road, a parcel, irregular in shape, with a frontage along Watson Road of 9.378 metres and depths of 59.854 metres and 46.808 metres, be approved, subject to the following conditions:

1. Prior to the endorsonation of the deeds, the owner shall pay to the City, the City’s total cost of reproduction and distribution of the Guelph Residents’ Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
2. Prior to any severance of the lands and prior to any construction or grading on the lands, the developer shall submit a detailed Stormwater Management Report and Plans to the satisfaction of the City Engineer which shows how

stormwater from the lands will be controlled and conveyed to the receiving water body and how the relocated storm works will have storm water storage in the ditch equal to or greater than the stormwater storage in the existing channel.

3. Prior to any construction or grading on the lands, the developer shall construct, install and maintain erosion and sediment control facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer. Furthermore, the developer shall provide a qualified environmental inspector, satisfactory to the City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures on a weekly or more frequent basis if required. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.
4. The developer shall pay to the City the actual cost of constructing concrete sidewalks abutting the proposed lots and furthermore, prior to any severance of the lands and prior to any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the sidewalk.
5. That the developer pays the actual cost of constructing and installing any service laterals required and furthermore, prior to any severance of the lands, the developer shall pay to the City the estimate cost of the service laterals, as determined by the City Engineer.
6. The developer shall pay development charges to the City in accordance with By-law Number (2004)-17361, as amended from time to time, or any successor thereof and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board as amended from time to time, or any successor by-laws thereto.
7. That the Developer prepares a drainage and grading plan, satisfactory to the City Engineer, for all the proposed residential lots, prior to the issuance of any building permit. All applications for a building permit shall be accompanied by a site plan showing that the proposed building to be erected is in conformity with the approved drainage and grading plan.
8. Prior to any severance of the lands, the developer shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
9. That the developer makes arrangements, satisfactory to the City Engineer, concerning the scheduling of the development and the developer's payment of costs for services for the lands.

10. That all telephone and Cable TV service to the lands be underground and the developer shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service prior to severance of the lands.
11. That all electrical services to the lands shall be underground and the developer shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the severance of the lands.
12. That the developer enter into an Engineering Services Agreement with the City and a Subdivision Agreement with the City, registered on title, satisfactory to the City Solicitor that covers the conditions of approval, prior to the severance of the lands.
13. That prior to issuance of any building permits, the applicant enters into a Servicing Agreement with Guelph Hydro Electric Systems Inc. for provision of underground hydro servicing to the proposed lots, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
14. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to March 14, 2009.
15. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
16. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
17. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number B-8/08



Having had regard to the matters that are to be had regard to 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. Kelly and seconded by P. Brimblecombe,

“THAT in the matter of an application under Section 55(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Original Road Allowance Between Lots 5 and 6, Concession 3, Division ‘C’, Part of Lot 6, Concession 3, Division ‘C’, to be known as 179 Watson Road, a parcel, irregular in shape, with a frontage along Watson Road of 9.210 metres and depths of 46.808 metres and 41.502 metres, be approved, subject to the following conditions:

1. Prior to the endorsonation of the deeds, the owner shall pay to the City, the City’s total cost of reproduction and distribution of the Guelph Residents’ Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
2. Prior to any severance of the lands and prior to any construction or grading on the lands, the developer shall submit a detailed Stormwater Management Report and Plans to the satisfaction of the City Engineer which shows how stormwater from the lands will be controlled and conveyed to the receiving water body and how the relocated storm works will have storm water storage in the ditch equal to or greater than the stormwater storage in the existing channel.
3. Prior to any construction or grading on the lands, the developer shall construct, install and maintain erosion and sediment control facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer. Furthermore, the developer shall provide a qualified environmental inspector, satisfactory to the City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures on a weekly or more frequent basis if required. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.
4. The developer shall pay to the City the actual cost of constructing concrete sidewalks abutting the proposed lots and furthermore, prior to any severance of the lands and prior to any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the sidewalk.

5. That the developer pays the actual cost of constructing and installing any service laterals required and furthermore, prior to any severance of the lands, the developer shall pay to the City the estimate cost of the service laterals, as determined by the City Engineer.
6. The developer shall pay development charges to the City in accordance with By-law Number (2004)-17361, as amended from time to time, or any successor thereof and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board as amended from time to time, or any successor by-laws thereto.
7. That the Developer prepares a drainage and grading plan, satisfactory to the City Engineer, for all the proposed residential lots, prior to the issuance of any building permit. All applications for a building permit shall be accompanied by a site plan showing that the proposed building to be erected is in conformity with the approved drainage and grading plan.
8. Prior to any severance of the lands, the developer shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
9. That the developer makes arrangements, satisfactory to the City Engineer, concerning the scheduling of the development and the developer's payment of costs for services for the lands.
10. That all telephone and Cable TV service to the lands be underground and the developer shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service prior to severance of the lands.
11. That all electrical services to the lands shall be underground and the developer shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the severance of the lands.
12. That the developer enter into an Engineering Services Agreement with the City and a Subdivision Agreement with the City, registered on title, satisfactory to the City Solicitor that covers the conditions of approval, prior to the severance of the lands.
13. That prior to issuance of any building permits, the applicant enters into a Servicing Agreement with Guelph Hydro Electric Systems Inc. for provision of underground hydro servicing to the proposed lots, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.

14. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to March 14, 2009.
15. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
16. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
17. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number B-9/08

Having had regard to the matters that are to be had regard to 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. Kelly and seconded by P. Brimblecombe,

“THAT in the matter of an application under Section 55(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Original Road Allowance Between Lots 5 and 6, Concession 3, Division ‘C’, Part of Lot 6, Concession 3, Division ‘C’, to be known as 181 Watson Road, a parcel, irregular in shape, with a frontage along Watson Road of 9.331 metres and depths of 41.502 metres and 38.415 metres, be approved, subject to the following conditions:

1. Prior to the endorsonation of the deeds, the owner shall pay to the City, the City’s total cost of reproduction and distribution of the Guelph Residents’ Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.

2. Prior to any severance of the lands and prior to any construction or grading on the lands, the developer shall submit a detailed Stormwater Management Report and Plans to the satisfaction of the City Engineer which shows how stormwater from the lands will be controlled and conveyed to the receiving water body and how the relocated storm works will have storm water storage in the ditch equal to or greater than the stormwater storage in the existing channel.
3. Prior to any construction or grading on the lands, the developer shall construct, install and maintain erosion and sediment control facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer. Furthermore, the developer shall provide a qualified environmental inspector, satisfactory to the City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures on a weekly or more frequent basis if required. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.
4. The developer shall pay to the City the actual cost of constructing concrete sidewalks abutting the proposed lots and furthermore, prior to any severance of the lands and prior to any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the sidewalk.
5. That the developer pays the actual cost of constructing and installing any service laterals required and furthermore, prior to any severance of the lands, the developer shall pay to the City the estimate cost of the service laterals, as determined by the City Engineer.
6. The developer shall pay development charges to the City in accordance with By-law Number (2004)-17361, as amended from time to time, or any successor thereof and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board as amended from time to time, or any successor by-laws thereto.
7. That the Developer prepares a drainage and grading plan, satisfactory to the City Engineer, for all the proposed residential lots, prior to the issuance of any building permit. All applications for a building permit shall be accompanied by a site plan showing that the proposed building to be erected is in conformity with the approved drainage and grading plan.
8. Prior to any severance of the lands, the developer shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.

9. That the developer makes arrangements, satisfactory to the City Engineer, concerning the scheduling of the development and the developer's payment of costs for services for the lands.
10. That all telephone and Cable TV service to the lands be underground and the developer shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service prior to severance of the lands.
11. That all electrical services to the lands shall be underground and the developer shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the severance of the lands.
12. That the developer enter into an Engineering Services Agreement with the City and a Subdivision Agreement with the City, registered on title, satisfactory to the City Solicitor that covers the conditions of approval, prior to the severance of the lands.
13. That prior to issuance of any building permits, the applicant enters into a Servicing Agreement with Guelph Hydro Electric Systems Inc. for provision of underground hydro servicing to the proposed lots, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
14. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to March 14, 2009.
15. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
16. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
17. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number B-10/08

Having had regard to the matters that are to be had regard to 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. Kelly and seconded by P. Brimblecombe,

“THAT in the matter of an application under Section 55(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Original Road Allowance Between Lots 5 and 6, Concession 3, Division ‘C’, Part of Lot 6, Concession 3, Division ‘C’, to be known as 183 Watson Road, a parcel, irregular in shape, with a frontage along Watson Road of 9.659 metres and depths of 38.415 metres and 36.974 metres, be approved, subject to the following conditions:

1. Prior to the endorsation of the deeds, the owner shall pay to the City, the City’s total cost of reproduction and distribution of the Guelph Residents’ Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
2. Prior to any severance of the lands and prior to any construction or grading on the lands, the developer shall submit a detailed Stormwater Management Report and Plans to the satisfaction of the City Engineer which shows how stormwater from the lands will be controlled and conveyed to the receiving water body and how the relocated storm works will have storm water storage in the ditch equal to or greater than the stormwater storage in the existing channel.
3. Prior to any construction or grading on the lands, the developer shall construct, install and maintain erosion and sediment control facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer. Furthermore, the developer shall provide a qualified environmental inspector, satisfactory to the City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures on a weekly or more frequent basis if required. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.
4. The developer shall pay to the City the actual cost of constructing concrete sidewalks abutting the proposed lots and furthermore, prior to any severance of the lands and prior to any construction or grading on the lands, the

- developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the sidewalk.
5. That the developer pays the actual cost of constructing and installing any service laterals required and furthermore, prior to any severance of the lands, the developer shall pay to the City the estimate cost of the service laterals, as determined by the City Engineer.
  6. The developer shall pay development charges to the City in accordance with By-law Number (2004)-17361, as amended from time to time, or any successor thereof and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board as amended from time to time, or any successor by-laws thereto.
  7. That the Developer prepares a drainage and grading plan, satisfactory to the City Engineer, for all the proposed residential lots, prior to the issuance of any building permit. All applications for a building permit shall be accompanied by a site plan showing that the proposed building to be erected is in conformity with the approved drainage and grading plan.
  8. Prior to any severance of the lands, the developer shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
  9. That the developer makes arrangements, satisfactory to the City Engineer, concerning the scheduling of the development and the developer's payment of costs for services for the lands.
  10. That all telephone and Cable TV service to the lands be underground and the developer shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service prior to severance of the lands.
  11. That all electrical services to the lands shall be underground and the developer shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the severance of the lands.
  12. That the developer enter into an Engineering Services Agreement with the City and a Subdivision Agreement with the City, registered on title, satisfactory to the City Solicitor that covers the conditions of approval, prior to the severance of the lands.
  13. That prior to issuance of any building permits, the applicant enters into a Servicing Agreement with Guelph Hydro Electric Systems Inc. for provision of

underground hydro servicing to the proposed lots, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.

14. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to March 14, 2009.
15. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
16. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
17. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number B-11/08

Having had regard to the matters that are to be had regard to 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. Kelly and seconded by P. Brimblecombe,

“THAT in the matter of an application under Section 55(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Original Road Allowance Between Lots 5 and 6, Concession 3, Division ‘C’, Part of Lot 5, Concession 3, Division ‘C’, to be known as 185 Watson Road, a parcel, irregular in shape, with a frontage along Watson Road of 10 metres and depths of 36.974 metres and 35.914 metres, be approved, subject to the following conditions:

1. Prior to the endorsation of the deeds, the owner shall pay to the City, the City’s total cost of reproduction and distribution of the Guelph Residents’ Environmental Handbook, to all future homeowners or households within the



- project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
2. Prior to any severance of the lands and prior to any construction or grading on the lands, the developer shall submit a detailed Stormwater Management Report and Plans to the satisfaction of the City Engineer which shows how stormwater from the lands will be controlled and conveyed to the receiving water body and how the relocated storm works will have storm water storage in the ditch equal to or greater than the stormwater storage in the existing channel.
  3. Prior to any construction or grading on the lands, the developer shall construct, install and maintain erosion and sediment control facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer. Furthermore, the developer shall provide a qualified environmental inspector, satisfactory to the City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures on a weekly or more frequent basis if required. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.
  4. The developer shall pay to the City the actual cost of constructing concrete sidewalks abutting the proposed lots and furthermore, prior to any severance of the lands and prior to any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the sidewalk.
  5. That the developer pays the actual cost of constructing and installing any service laterals required and furthermore, prior to any severance of the lands, the developer shall pay to the City the estimate cost of the service laterals, as determined by the City Engineer.
  6. The developer shall pay development charges to the City in accordance with By-law Number (2004)-17361, as amended from time to time, or any successor thereof and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board as amended from time to time, or any successor by-laws thereto.
  7. That the Developer prepares a drainage and grading plan, satisfactory to the City Engineer, for all the proposed residential lots, prior to the issuance of any building permit. All applications for a building permit shall be accompanied by a site plan showing that the proposed building to be erected is in conformity with the approved drainage and grading plan.

8. Prior to any severance of the lands, the developer shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
9. That the developer makes arrangements, satisfactory to the City Engineer, concerning the scheduling of the development and the developer's payment of costs for services for the lands.
10. That all telephone and Cable TV service to the lands be underground and the developer shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service prior to severance of the lands.
11. That all electrical services to the lands shall be underground and the developer shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the severance of the lands.
12. That the developer enter into an Engineering Services Agreement with the City and a Subdivision Agreement with the City, registered on title, satisfactory to the City Solicitor that covers the conditions of approval, prior to the severance of the lands.
13. That prior to issuance of any building permits, the applicant enters into a Servicing Agreement with Guelph Hydro Electric Systems Inc. for provision of underground hydro servicing to the proposed lots, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
14. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to March 14, 2009.
15. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
16. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
17. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 –

2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number B-12/08

Having had regard to the matters that are to be had regard to 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. Kelly and seconded by P. Brimblecombe,

“THAT in the matter of an application under Section 55(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Original Road Allowance Between Lots 5 and 6, Concession 3, Division ‘C’, Part of Lot 5, Concession 3, Division ‘C’, to be known as 187 Watson Road, a corner lot with a frontage along Watson Road of 15.5 metres and a depth along Watson Parkway of 33 metres, be approved, subject to the following conditions:

1. Prior to the endorsonation of the deeds, the owner shall pay to the City, the City’s total cost of reproduction and distribution of the Guelph Residents’ Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
2. Prior to any severance of the lands and prior to any construction or grading on the lands, the developer shall submit a detailed Stormwater Management Report and Plans to the satisfaction of the City Engineer which shows how stormwater from the lands will be controlled and conveyed to the receiving water body and how the relocated storm works will have storm water storage in the ditch equal to or greater than the stormwater storage in the existing channel.
3. Prior to any construction or grading on the lands, the developer shall construct, install and maintain erosion and sediment control facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer. Furthermore, the developer shall provide a qualified environmental inspector, satisfactory to the City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures on a weekly or more frequent basis if required. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.

4. The developer shall pay to the City the actual cost of constructing concrete sidewalks abutting the proposed lots and furthermore, prior to any severance of the lands and prior to any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the sidewalk.
5. That the developer pays the actual cost of constructing and installing any service laterals required and furthermore, prior to any severance of the lands, the developer shall pay to the City the estimate cost of the service laterals, as determined by the City Engineer.
6. The developer shall pay development charges to the City in accordance with By-law Number (2004)-17361, as amended from time to time, or any successor thereof and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board as amended from time to time, or any successor by-laws thereto.
7. That the Developer prepares a drainage and grading plan, satisfactory to the City Engineer, for all the proposed residential lots, prior to the issuance of any building permit. All applications for a building permit shall be accompanied by a site plan showing that the proposed building to be erected is in conformity with the approved drainage and grading plan.
8. Prior to any severance of the lands, the developer shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
9. That the developer makes arrangements, satisfactory to the City Engineer, concerning the scheduling of the development and the developer's payment of costs for services for the lands.
10. That all telephone and Cable TV service to the lands be underground and the developer shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service prior to severance of the lands.
11. That all electrical services to the lands shall be underground and the developer shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the severance of the lands.
12. That the developer enter into an Engineering Services Agreement with the City and a Subdivision Agreement with the City, registered on title, satisfactory to the City Solicitor that covers the conditions of approval, prior to the severance of the lands.

13. That prior to issuance of any building permits, the applicant enters into a Servicing Agreement with Guelph Hydro Electric Systems Inc. for provision of underground hydro servicing to the proposed lots, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
14. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to March 14, 2009.
15. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
16. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
17. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number B-13/08

Having had regard to the matters that are to be had regard to 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. Kelly and seconded by P. Brimblecombe,

“THAT in the matter of an application under Section 55(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Original Road Allowance Between Lots 5 and 6, Concession 3, Division ‘C’, Part of Lots 5 and 6, Concession 3, Division ‘C’, to be known as 3 Creekside Drive, a corner lot with a frontage along Creekside Drive of 18.5 metres and a depth along Watson Parkway of 27 metres, be approved, subject to the following conditions:

1. Prior to the endorsation of the deeds, the owner shall pay to the City, the City’s total cost of reproduction and distribution of the Guelph Residents’

Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.

2. Prior to any severance of the lands and prior to any construction or grading on the lands, the developer shall submit a detailed Stormwater Management Report and Plans to the satisfaction of the City Engineer which shows how stormwater from the lands will be controlled and conveyed to the receiving water body and how the relocated storm works will have storm water storage in the ditch equal to or greater than the stormwater storage in the existing channel.
3. Prior to any construction or grading on the lands, the developer shall construct, install and maintain erosion and sediment control facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer. Furthermore, the developer shall provide a qualified environmental inspector, satisfactory to the City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures on a weekly or more frequent basis if required. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.
4. The developer shall pay to the City the actual cost of constructing concrete sidewalks abutting the proposed lots and furthermore, prior to any severance of the lands and prior to any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the sidewalk.
5. That the developer pays the actual cost of constructing and installing any service laterals required and furthermore, prior to any severance of the lands, the developer shall pay to the City the estimate cost of the service laterals, as determined by the City Engineer.
6. The developer shall pay development charges to the City in accordance with By-law Number (2004)-17361, as amended from time to time, or any successor thereof and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board as amended from time to time, or any successor by-laws thereto.
7. That the Developer prepares a drainage and grading plan, satisfactory to the City Engineer, for all the proposed residential lots, prior to the issuance of any building permit. All applications for a building permit shall be accompanied by a site plan showing that the proposed building to be erected is in conformity with the approved drainage and grading plan.

8. Prior to any severance of the lands, the developer shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
9. That the developer makes arrangements, satisfactory to the City Engineer, concerning the scheduling of the development and the developer's payment of costs for services for the lands.
10. That all telephone and Cable TV service to the lands be underground and the developer shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service prior to severance of the lands.
11. That all electrical services to the lands shall be underground and the developer shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the severance of the lands.
12. That the developer enter into an Engineering Services Agreement with the City and a Subdivision Agreement with the City, registered on title, satisfactory to the City Solicitor that covers the conditions of approval, prior to the severance of the lands.
13. That prior to issuance of any building permits, the applicant enters into a Servicing Agreement with Guelph Hydro Electric Systems Inc. for provision of underground hydro servicing to the proposed lots, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
14. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to March 14, 2009.
15. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
16. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
17. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 –

2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

**Application:**            **A-25/08**  
**Applicant:**            **881350 Ontario Inc.**  
**Agent:**                **Nancy Shoemaker, Black, Shoemaker, Robinson & Donaldson**  
**Location:**            **74 Elizabeth Street**  
**In Attendance:**      **Nancy Shoemaker**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. Shoemaker replied the notice sign was posted and comments were received from staff. She explained the applicant received the approval of the Committee of Adjustment in 2001 to construct a 2<sup>nd</sup> storey addition. She noted the site plan before the Committee is different than the site plan approved in 2001 because the application did not construct the entire second storey addition and as such requires less parking on the site. She noted the only outstanding matter relates to the striping of parking stalls which can be completed before the end of May. She submitted an undertaking from the owner of the property agreeing to complete all outstanding matters no later than June 15<sup>th</sup>, 2008. She noted St. Vincent de Paul is anxious to occupy the unit.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by J. Andrews and seconded by

“THAT in the matter of an application under Section 45(2)(a)(ii) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to change the legal non-conforming use to permit a non-profit organization to occupy the ground floor with a total area of 566 square metres with the following uses:

- receive and sort articles to occupy an area of 381 square metres [warehousing];
- retail of articles to occupy an area of 87 square metres [retail-permitted use];
- office associated with the non-profit organization to occupy an area of 98 square metres [office-permitted use]

be approved, subject to the following condition:



1. The Owner develops the property in accordance with the approved site plan to the satisfaction of the Director of Community Design and Development Services, prior to June 15, 2008.”

Carried.

**Application:** B-6/08  
**Applicant:** Charles and Grace Bouwman  
**Agent:** Nancy Shoemaker, Black, Shoemaker, Robinson & Donaldson  
**Location:** 308 Stevenson Street, North  
**In Attendance:** Nancy Shoemaker

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Nancy Shoemaker replied the notice sign was posted and comments were received from staff. She advised she had no objection to the recommendations. She explained rezoning of the subject property was approved by City Council to construct a semi-detached dwelling and a single lot in a flag configuration. She noted this will help achieve the goal of residential intensification within the City. She noted the plan was modified to address concerns from neighbours and the recommendations from staff reflect the conditions included in the Zoning amendment.

Having had regard to the matters that are to be had regard to 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 L. McNair and seconded by P. Brimblecombe,

“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 Lot 43, Registered Plan 265, to be known as 304 and 306 Stevenson Street, North, a parcel which will contact a semi-detached dwelling with a frontage along Stevenson Street, North of 19.2 metres and a depth of 39.01 metres, be approved, subject to the following conditions:

1. That the owner pay to the City, as determined applicable by the City’s Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2004)-17361, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-

- laws thereof, prior to the issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
2. That the developer shall pay the actual cost of constructing and installing any service laterals required as determined by the City Engineer.
  3. That the applicant enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to any severance of the lands and prior to any construction and grading of the lands.
  4. The owner shall pay the entire cost of the removal of the existing 150mm sanitary sewer and 5/8" water service from the severed lands, prior to any severance of the lands.
  5. That the applicant pays the watermain frontage charge of \$8.00 per foot of frontage for 88.0-feet (26.82m), prior to any severance of the lands.
  6. Prior to any severance of the lands, the developer shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
  7. Prior to any severance of the lands and prior to any construction, the developer shall provide a design prepared by a Professional Engineer to demonstrate that all the buildings can be constructed at such an elevation that the lowest level of the buildings can be serviced with a gravity connection to the sanitary sewer.
  8. That the Developer prepares a drainage and grading plan, satisfactory to the City Engineer, for all the proposed residential lots, prior to the endorsation of the deeds. All applications for a building permit shall be accompanied by a site plan showing that the proposed building to be erected is in conformity with the approved drainage and grading plan.
  9. That the new semi detached dwelling be serviced by a mutual driveway to the satisfaction of the City Engineer. The developer shall pay to the City the actual cost of the construction of the new driveway entrance and the required curb cut, prior to any severance of the lands and prior to any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the new driveway entrance and the required curb cut.
  10. That the developer shall demolish the existing house and garage known as 310 Stevenson Street, prior to the endorsation of the deeds.
  11. That the developer 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 severance of the lands.

12. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the severance of the lands.
13. That prior to endorsement of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
14. That the elevation and design for the new dwellings on the severed and retained parcels be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwellings.
15. That a site plan be prepared for the severed and retained parcels indicating:
  - a) The location and design of the new dwellings;
  - b) The location and extent of driveway and legal off-street parking space for the new dwellings and
  - c) Grading, drainage and servicing information as required by the City Engineer.

All of the above to be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwellings.

16. That the applicant shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsement of the deeds, at the rate in effect at the time of the endorsement.
17. That the developer shall construct a fence to the satisfaction of the Director of Community Design and Development Services along the mutual property line separating the subject property from the property at 310 Stevenson Street, prior to the endorsement of the deeds.
18. That prior to demolition of the existing dwelling, the applicants make arrangements for the removal of the existing overhead hydro supply with the Technical Services Department of Guelph Hydro Electric Systems Inc.
19. That prior to issuance of any building permits, the applicants make arrangements for provision of underground hydro servicing to the single detached dwelling and semi-detached dwelling, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
20. That prior to issuance of a building permit for the single detached dwelling, the applicants submit a site plan showing the driveway location maintaining a minimum clearance of 1.5 metres from the existing hydro pole, satisfactory to

- the Technical Services Department of Guelph Hydro Electric Systems Inc. If this clearance is not provided, relocation of the existing hydro pole will be at the owner's expense.
21. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to March 14, 2009.
  22. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
  23. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
  24. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

**Application:** A-24/08

**Applicant:** Josef Zubrzycki

**Agent:** Tatiana McCollum, White Pearl Spa Inc.

**Location:** 604 York Road

**In Attendance:** Tatiana McCollum  
Josef Zubrzycki  
Angela Kerr  
Ya-Ching Greenaway  
Brad Greenaway  
Talia Goodliffe  
Robert Goodliffe

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Zubrzycki replied the notice sign was posted and comments were received from staff.

Ms. McCollum explained she proposes to establish an aromatherapy spa which will only have one practitioner working there during the day. She addressed she would only require maximum three parking spaces on the site.

Planner C. Musselman explained the required number of parking spaces is calculated on the square footage of the building so the amount of space being used would dictate how many spaces would be required. She explained the three parking spaces along York Road would have to be removed with the road widening dedication and a parking area established in the rear yard which will require the removal of the steel clad shed. She noted a site plan will be required to be submitted to staff for review that has been prepared by a professional.

Bob Goodliffe explained he resided at 29 Wells Street. He noted it would be difficult to provide parking in the rear yard as there is a fire hydrant located along Industrial Street. He expressed his concerns related to the nature of the business in the building and would not support the variance requested.

Brad Greenaway explained he resided adjacent to the property at 600 York Road. He noted he did not feel the owner understood the complexity of the recommendations from staff and the total costs involved to develop the property. He recommended the owner consult counsel to determine the costs associated with the recommendations.

Committee member P. Brimblecombe questioned Planner C. Musselman if the garage in the rear yard would have to be removed to accommodate the required parking spaces.

Planner C. Musselman replied this can be determined once a site plan is prepared and examined by staff. She further noted the asphalt would have to be removed at the front of the property and a parking area would have to be developed and paved in the rear yard which would incorporate storm water management. She noted the parking could be designed around the fire hydrant. She further noted a building permit may be required if internal renovations are being carried out.

Mr. Greenway questioned if the property could remain as is if they did not require a minor variance.

Planner C. Musselman replied the municipality has authority to request road widenings for development applications when the Official Plan designates the road as requiring widenings.

Mr. Greenway explained if the owner does not change the zoning the City will not have the right to take the road widening and there may be financial compensation if a road widening is required.

Talia Goodliffe explained she resided at 8 Industrial Street. She noted they are saying the business is a spa but the clients should not be allowed on their street. She noted they often use her front lawn for parking.

Mrs. Greenaway who resides at 600 York Road since 1984 expressed her concerns about the true nature of the business.

Mr. McCollum noted she started the business in March 2007 and was advised by their solicitor that a business license would be required to operation in the City. She advised they have filed the papers with the licensing office. She explained they perform light massage with oil and if staff do not understand the limits of business, they are fired. She explained all staff are practitioners and are members of Association of Alternative Health. She explained they want to run business legally which is why they are here.

Committee member L. McNair expressed concern the nature of the business in the building is not defined in the Zoning By-law. He noted staff has defined an aromatherapy spa as a medical office which is permitted in the SC.2 zone but only within a mall. He noted there are significant financial hurdles to overcome to allow the business and suggested the Committee defer the application 1 month to allow the owner to determine these costs and requirements.

Moved by J. Andrews and seconded by L. McNair,

“THAT Application 24/08 for Josef Zubrzycki at 604 York Road, be deferred until the April 8, 2008 Regular Meeting of the Committee of Adjustment, and that the deferral application fee be paid prior to reconsideration of the application.”

Carried.

**Applications:           A-14/08 and A-15/08**

**Applicant:             Sebastian Sambor**

**Agent:                 Jeff Buisman, Van Harten Surveying Inc.**

**Location:             437 York Road**

**In Attendance:        Jamie Laws**  
**Sebastian Sambor**  
**Rene Luypaert**  
**Wanda Poniatowski – 78 Kingsmill Avenue**  
**Concetta Poniatowski**  
**Chris Chilton – 1 Menzie Avenue**  
**Joan Kenny – 435 York Road**

Chair R. Funnell questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Laws replied the notice sign was posted and comments were received from staff. He advised they have reviewed the comments from staff and are in agreement with the recommendations.

Concetta Pontiatowski expressed concern about the use of the existing building as there has been construction carried out within the building. He noted her house is located 2 feet from the property line and the proposed dwelling will result in loss of privacy.

Chris Chilton expressed concern about the size of the lot, its location relative to his house and possible drainage problems.

Mrs. Kenny expressed concerns they are converting the existing house into student housing with a two vehicle driveway. She noted there are parking problems along Kingsmill Avenue and the street cannot support any more parking.

Wanda Poniatowski explained they are opposed to existing house being converted to a boarding house with an apartment as this is known as a quiet street and cannot support additional traffic.

Chair R. Funnell questioned if the applicant intends to construct the new dwelling for his own use.

Mr. Sambor replied they are converting the area previously occupied by a store to a residential unit.

In response to a question from Committee member J. Andrews, Mr. Sambor explained they have applied for a building permit for the renovations within the existing building. He explained they are proposing a living room and kitchen where the store was previously located with one bedroom upstairs along with an accessory apartment with a maximum of two bedrooms.

Committee member L. McNair commented he is not opposed to the concept of the new building but did object to the as to the size of the building. He explained that 1,100 square foot per floor results in too much house for the lot size which is close to 50% of the lot being occupied by a building.

Mr. Sambor explained he has not finalized the house design for the vacant parcel and the plan submitted is conceptual. He noted he would like to construct a home with an area of approximately 1,600 square feet.

Committee member J. Andrews questioned if Mrs. Poniatowski would object to a fence being constructed along the rear lot lines.

Mrs. Poniatowski replied she would not accept a fence along the lot line as she would feel boxed in.

Application Number A-14/08

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 J. Andrews and seconded by P. Brimblecombe,

“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 3 and Section 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 437 York Road, to permit a lot area of 275 square metres (2,960.08 square feet) when the By-law requires a minimum lot area of 370 square metres (3,982.65 square feet) and to permit the off-street parking space to be situate 1.32 metres (4.33 feet) from the Kingsmill Avenue property line when the By-law requires the legal off-street parking space be located a minimum distance of 6 metres (19.68 feet) from the property line, be approved, subject to the following condition:

1. That the owner shall pay the actual costs associated with the removal of a portion of the existing wood deck and the aluminum shed on the vacant lands, prior to the issuance of any building permit.
2. That the applicant deeds to the City free of all encumbrances a 2.0-metre (6.56 feet) wide by 16.05-metre (52.66 feet) long, and a 1.20-metre (3.94 feet) wide by 7.39-metre (24.25 feet) long and a 2.0-metre (6.56 feet) wide by 1.10-metre (3.61 feet) long road widening across the York Road frontage of the lands, prior to the issuance of any building permit.”

Carried.

#### Application Number A-15/08

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 and seconded by,

“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 3 and Table 4.7 – Row 3 of Zoning By-law (1995)-14864, as amended, for 439 York Road, to construct a residential dwelling on a lot with a lot area of 265 square metres (2,852.44 square feet) when the By-law requires a minimum lot area of 370 square metres (3,982.26 square feet) and to permit an open roofed porch to be setback 1.55 meters (5.08 feet) from the York Road property line when the By-law requires an open roofed porch be setback



minimum 2 metres (6.56 feet) from the front lot line, be approved, subject to the following conditions:

1. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage for 40.45 feet (12.33-metres), prior to the issuance of any building permit.
2. That the applicant deeds to the City free of all encumbrances a 2.0-metre (6.56 feet) wide by 16.05-metre (52.66 feet) long, and a 1.20-metre (3.94 feet) wide by 7.39-metre (24.25 feet) long and a 2.0-metre (6.56 feet) wide by 1.10-metre (3.61 feet) long road widening across the York Road frontage of the lands, prior to the issuance of any building permit.
3. That the owner pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2004)-17361, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
4. That the owner enters into an Engineering Services Agreement with the City, prior to the issuance of any building permit.
5. That the owner applies for sanitary and water laterals including curb cuts and fills, and pays the rate in effect at the time of application, prior to the issuance of any building permit.
6. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to the issuance of any building permit.
7. That the owner constructs the new dwelling at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
8. That the owner shall pay for the actual cost of the construction of the new driveway entrance and the required curb cut, with the estimated cost of the works, as determined necessary by the City Engineer being paid, prior to the issuance of any building permit.
9. That the owner shall pay the actual costs associated with the removal of a portion of the existing asphalt pavement driveway from the boulevard (city road allowance) and the reconstruction of the boulevard (city road allowance) and replacing the asphalt pavement with topsoil and sod including the required curb fill, with the estimated cost of the works, as determined

necessary by the City Engineer being paid, prior to the issuance of any building permit.

10. That the owner shall pay the actual costs associated with the removal of a portion of the existing wood deck and the aluminum shed on the vacant lands, prior to the issuance of any building permit.
11. That prior to the issuance of any building permit on the property, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
12. That the owner provides a legal off-street parking space on the vacant lands (Lot 34, Registered Plan 353), satisfactory to the City Engineer, prior to the issuance of any building permit.
13. That the owner shall make satisfactory arrangements with the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the new dwelling, prior to the issuance of any building permit.
14. That the elevation and design for the new dwelling on Lot 34, Registered Plan 353 submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwelling.
15. That a site plan be prepared indicating:
  - a) The location and design of the new dwelling;
  - b) A dwelling with a maximum area of 80 square metres per floor;
  - c) A dwelling with a minimum rear yard of 7.5 metres;
  - d) The location and extent of driveway and legal off-street parking space for the new dwellings and
  - e) Grading, drainage and servicing information as required by the City Engineer.

All of the above to be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwellings.

16. That the maximum area for the new dwelling be 80 square metres per floor.
17. That a minimum rear yard of 7.5 metres be provided.
18. That the applicant shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the issuance of a building permit, at the rate in effect at the time of the permit.

19. That the owner shall pay the actual costs associated with the removal of a portion of the existing wood deck and the aluminum shed located on Lot 34, Registered Plan 353, prior to the issuance of a building permit.
20. That prior to issuance of a building permit, the applicant makes arrangements for provision of an overhead hydro service to 439 York Road, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
21. That prior to the issuance of any building permit, the owner shall enter into an agreement with the City, registered on title, satisfactory to the City Engineer and the Director of Community Design and Development Services, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.”

Carried.

The meeting adjourned at 9:45 p.m.

R. Funnell  
Chair

K. E. Fairfull, ACST  
Secretary-Treasurer

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday, March 25, 2008 at 4:30 p.m. in Committee Room C, City Hall 59 Carden Street, with the following members present:

R. Funnell - Chair  
L. Mc Nair – Vice Chair  
J. Andrews  
A. Clos  
P. Brimblecombe  
D. Kelly

Staff Present: Katie Nasswetter, Planner  
S. Wesley, Assistant Secretary-Treasurer

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Other Business

The Assistant Secretary-Treasurer distributed 2 more emails for Application A-27/08 110 Norwich Street East/195 Arthur Street North.

The Assistant Secretary-Treasurer distributed a copy of the Notice of hearing for Application A-96/07 for 68-78 Ontario Street which was omitted from April 8 meeting agenda package.

The Chair reminded the members of the session for Conflict of Interest in the council chambers Wed. Mar 26/08 at 7:00PM.

### Approval of Minutes

Moved by P. Brimblecombe and seconded by J. Andrews,

“THAT the Minutes from the March 11, 2008 Regular Meeting of the Committee of Adjustment, be approved, as amended.”

Carried.

**Application: A-23/07**

**Applicant:** Charles Ridgeway/Hydra-Air Radiators

**Agent:** Mark Sharpe, Mark's Auto Shop

**Location:** 715 Speedvale Avenue West

**In Attendance:** Mark Sharpe

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Sharpe replied the notice sign was posted and comments were received from staff.

Committee member P. Brimblecombe questioned if the site plans were not completed in the past, and he asked if the owner not the applicant should be responsible for the as built site plan.

Mr. Sharpe advised he is only a tenant at this time and he may be buying the property in a year or so. He was advised to submit an application for a minor variance for the permitted use.

The Committee members decided to change the condition for as built site plan to be the owner's responsibility not the applicant's.

**Application A-23/08**

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. McNair and seconded by J. Andrews,

"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 permission to occupy the ground floor with a vehicle establishment use, that would permit a vehicle body shop, vehicle parts establishment, vehicle sales establishment, vehicle service station and vehicle specialty repair shop when the By-law permits among other uses a vehicle specialty repair shop, be approved, subject to the following conditions:

1. That the owner shall submit to the City, in accordance with Section 41 of the Planning Act, a fully detailed as-built site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, building elevations, grading, drainage, and servicing on said lands, to the satisfaction of the Director of the Community Design and Development Services and the

City Engineer, prior to the use of the property for a vehicle establishment and that the owner agrees to develop the said lands in accordance with the approved plan within one year of obtaining site plan approval.

2. That the predominant use of the ground floor be dedicated to a vehicle body shop, vehicle service station or vehicle specialty repair shop.
3. That the sale of any vehicle-related product be small in scale; subordinate to the main repair or service.”

Carried.

**Application: B-14/08**

**Applicant: 951914 Ontario Limited/GMA Cover Corp.**

**Agent: Al Richard**

**Location: 965 York Road**

**In Attendance: Al Richard**

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Richard replied the notice sign was posted and comments were received from staff.

Committee member L. McNair questioned the drawing the location of the driveway off Watson Road and which property it was to belong to.

Mr. Richard explained the driveway, being Part of Part 4 Reference Plan 62R-4085 is to remain with the retained parcel of land. Who ever buys the severed parcel will be responsible for attaining driveway access off Watson Road.

### **B-14/08**

Having had regard to the matters that are to be had regard to 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 A. Clos and seconded by P. Brimblecombe,

“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 a new industrial lot being part of Block 1, Registered Plan 696 being Part of Parts 4 and 5 on Reference Plan 61R4085 municipally known as 965 York Road, a parcel irregular in shape with a frontage along

Watson Parkway South of 75.77 metres (248.59 feet) and a depth of 115.82 metres (379.99 feet), having an area of 0.85 hectares (2.089 acres), be approved, subject to the following conditions;

1. The Owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the said lands to the satisfaction of the Director of Community Design and Development Services and the City Engineer, prior to the issuance of a building permit on the parcel to be severed.
2. That the applicant pays to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2004)-17361, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
3. Prior to site plan approval, the owner shall apply to the City Solicitor requesting for the dedication of a portion of the 0.30-metre (1.0 feet) reserve for the proposed driveway access to the severed lands.
4. Prior to endorsonation of the deeds, the owner shall apply to the City Solicitor requesting for the dedication of a portion of the 0.30-metre (1.0 feet) reserve across the existing driveway entrance of the retained lands.
5. The owner shall have an independent Professional Engineer and/or Ontario Land Surveyor prepare a reference plan to the satisfaction of the City Engineer, identifying the dedication of a portion of the 0.30-metre (1.0 feet) reserve across the existing driveway entrance of the retained lands, prior to endorsonation of the deeds.
6. The owner shall have an independent Professional Engineer and/or Ontario Land Surveyor prepare a reference plan to the satisfaction of the City Engineer, identifying the dedication of a portion of the 0.30-metre (1.0 feet) reserve for the proposed driveway access to the severed lands, prior to site plan approval.
7. Prior to endorsonation of the deeds, the owner shall remove the existing driveway entrance to the proposed severed lands including the culvert and to pay for the entire cost associated with the removal of the existing driveway entrance including the culvert.
8. Prior to site plan approval on the proposed severed parcel, the owner shall have a Professional Engineer design a grading plan and storm water management system, satisfactory to the City Engineer.

9. That the owner grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.
10. That the owner applies for sanitary and water laterals and pays the rate in effect at the time of application for the severed lands, prior to the issuance of a building permit.
11. That the owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the severed parcel, as well as provisions for any easements and/or rights-of-way for their plants, prior to endorsement of the deeds.
12. That prior to endorsement of the deeds, the owner shall enter into a Site Plan Control Agreement with the City, registered on title, satisfactory to the City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
13. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to March 28, 2009.
14. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
15. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
16. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk.”

Carried.



**Application:** A-27/08

**Applicant:** Michael Oosterveld

**Agent:** N/A

**Location:** 110 Norwich Street East/195 Arthur Street North

**In Attendance:** Michael Oosterveld and Jennifer MacDonald – owners  
Allan Watson 199 Arthur Street North  
Carol Hall 199 Arthur Street North  
Marc Desjardins 196 Arthur Street North  
Donna Haley 196 Arthur Street North  
Angela Wynen 27 Mitchell Street  
Angie Gallupe 114 Norwich Street East  
John Leacock 114 Norwich Street East

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Oosterveld replied the notice sign was posted and comments were received from staff.

Mr. Oosterveld explained he was born and raised in the City of Guelph and his reasoning for buying the property. He is in favour of trying clean up the store and making a community based store/cafe. He does not intend a take out restaurant with ovens but to sell coffee and finger foods and such. He hopes to improve the value of the store for the community.

The Chair R. Funnell asked if the applicant had had any meetings with the neighbourhood.

Mr. Oosterveld replied no.

Member A. Clos questioned the parking variance as the building is legal non-conforming.

The Planner, Ms Nasswetter replied yes the building is legal non-conforming but because of change of use the parking is being looked at.

The Committee member A. Clos questioned if the selling of coffee is not included in a convenience store.

The Planner, Ms Nasswetter explained that she understood the use to be stand alone not included with a convenience store.

Mr. Oosterveld said that he thought of this place as a meeting place for the neighbourhood. The café would provide some seating and would be higher end than just a convenience store.

Ms Gallupe commented that the neighbours have talked about a vision of the space to be a place to pick up a coffee, snack or ice cream to take to the park.

The Planner Ms Nasswetter advised that not knowing the use of the property they are not sure what variances may be required. The concern is the seating which requires the need to re-evaluate the parking.

The committee members questioned the take-out restaurant use.

Mr. Oosterveld idea is to inspire walk in traffic as opposed to driving in. He thought that no buyers are going to go out of their way just to come to an out of the way convenience store or coffee shop. He wanted to add a little more flair.

Mr. Watson advised he is not in favour of the variance due to the inadequacy of parking now and in the future. He lives 2 doors down on Arthur Street. and has people parking in front of his house as they run into the store.

Committee member P. Brimblecombe questioned if it just neighbours parking on the street or store customers.

Mr. Watson was not sure.

Committee member A. Clos questioned if the applicant could you rent parking for your tenants or employees from the municipal parking lot.

Mr. Oosterveld was not sure.

Ms Hall advised she objected due to the parking concern and questioned if the variance is granted how can they control the type of restaurant use that goes in.

Mr. Desjardins commented that there is a fair amount of traffic stopping and stopping in no parking areas.

Ms Haley commented she is concerned with traffic and snow removal. She advised there are some properties along Arthur Street that do not have driveways. She is concerned that there are a number of children in the neighbourhood.

Mr. Leacock advised he was the real estate agent who sold the property. He had suggested to the applicant to kiosk the convenience store and add the café use. He advised there was on street parking along Norwich Street East [110-114 (he lives at 114)] to the Church which was removed. He wondered if there could be more on-street parking between 114 Norwich Street East to the church and on Mitchell St.

Committee member P. Brimblecombe asked if the closing the bridge would the store/café be used mostly by the neighbours.

Mr. Oosterveld would be looking for a tenant and would like to clean up the site with the removal of the phone booth, and outside appliances (ice machine). He is looking for a community based business that would survive with walk in traffic.

Ms Wynen as a neighbour thought that doing an upscale convenience store, with sitting for a coffee, ice cream would cut down on the transient traffic that stops by.

Ms Gallupe advised she was in agreement with the concept of the applicant with more walk in trade. She thought that most of the cars stopping are neighbourhood people.

Mr. Watson appreciates the idea of a business for the community and thought it would be great but there are no guarantees. He is still concerned about parking.

Committee member D. Kelly questioned Mr. Watson about concern about residents who have to park on the street. She wondered if allowing additional parking along Norwich and Arthur St would help alleviate some of the parking problems.

Committee member L. McNair commented that the utilization of the space is what makes the commercial use a success. He questioned the use of a coffee shop that it would be successful. He wondered about doing a survey of the neighbourhood to see what the neighbours would like to see.

Committee member A. Clos asked that if someone wanted to put in a pizza place would the applicant have to reapply.

The Planner Ms Nasswetter answered yes they would have to reapply.

Committee member L. McNair questioned the legality of the coffee shop/café when there is no definition for coffee shop/café in the By-law.

Ms Haley advised she is still concerned that the variance being asked for 1 parking space in lieu of 7 parking spaces is not minor. That is what the variance is for and that is what should be addressed.

Committee member P. Brimblecombe asked the applicant if he would be willing to defer until he finds a prospective tenant.

Mr. Oosterveld advised the property is expensive to maintain, and he would like to start with the clean up of the site and would like to move on with the application.

The Chair R. Funnell suggested that a meeting with the neighbours might be a way to resolve some differences.

Committee member A. Clos commented that in order to attract a tenant the applicant might need to be able to offer another use.

Mr. Desjardins asked if the hours of business could be limited.

Committee member A. Clos answered yes it has been done before.

The Chair R. Funnell asked if the applicant would consider deferral.

Mr. Oosterveld advised the committee he would like to have a decision tonight.

Committee member D. Kelly advised she was uncomfortable with deferring the application. She thought the Committee could put conditions in that could handle some of the concerns.

**A- 27/08**

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 A. Clos and seconded by D. Kelly,

“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 Sections 4.13.4.2 and 4.13.4.3 of Zoning By-law (1995)-14864, as amended, for Part Lot 1, Registered Plan 40 and 195 Arthur Street North, municipally known as 110 Norwich Street, East, to permit one off-street parking space when the By-law requires 5 parking spaces for a take-out restaurant and 3 parking spaces for 3 residential units (a total of 8 parking spaces), be approved, subject to the following conditions;

1. That the owner pays to the City the actual cost associated with the removal of the existing asphalt pavement and/or concrete from the boulevard/road allowance and replacing it with topsoil and sod including the required curb fill, with the estimated cost of the works, as determined necessary by the City Engineer being paid, prior to the use of the variety store area as a take-out restaurant.
2. That prior to the use of the variety store area as a take-out restaurant, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of the main building, overhangs, chimney breast, wall mounted telephone booth, wall mounted air conditioner, wall mounted satellite dish, and rain water leader on the Arthur Street and Norwich Street road allowance.
3. That the proposed take out restaurant be limited to a café; coffee shop; or, in the opinion of City staff, a similar use and an area of 44.84 square metres (483 square feet).
4. That the hours of operation for a business be limited to 7:00 AM to 10:00 PM.

5. That the applicant applies and acquires 4 parking permits for parking spaces in the Norwich Street lot for the residential units and any employees of the business.”

Carried.

**Application:** A-26 /08  
**Applicant:** Gregory and Ellen Ducharme  
**Agent:** N/A  
**Location:** 160 Farley Drive  
**In Attendance:** Ellen Ducharme

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mrs. Ducharme replied the notice sign was posted and comments were received from staff.

Committee member A. Clos asked how many bedrooms there were.

Ms Ducharme advised there was only 1 bedroom.

Committee member L. McNair asked if they only wanted a wet bar.

Ms Ducharme answered yes.

**A-26/08**

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. Kelly and seconded by L. McNair.

“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 Lot 1, Registered Plan 61M35 municipally known as 160 Farley Drive, to permit a 101.07 square metres (1088 square foot) accessory apartment in the basement, when the By-law permits a maximum area of 80 square metres (861.11 square feet) for an accessory apartment, be approved; subject to the following conditions:

1. That the accessory apartment be limited to an area not exceeding 101.07 square metres (1088 square feet).
2. That the accessory apartment located in the basement of 160 Farley Drive be limited to a maximum of two bedrooms.

Carried.

Meeting adjourned at 6:30 PM

R. Funnell  
Chair

Stephanie Wesley, ACST  
Assistant Secretary-Treasurer,  
Committee of Adjustment.

**COMMITTEE OF ADJUSTMENT**

Minutes

The City of Guelph Committee of Adjustment held its Regular Meeting on Tuesday April 8, 2008 at 4:30 p.m. in Council Committee Room 'B', City Hall, with the following members present:

R. Funnell, Chair  
J. Andrews  
P. Brimblecombe  
A. Clos (until 6:00 p.m.)  
D. Kelly

Regrets: L. McNair

Staff Present: C. deVriendt, Planner  
K. Fairfull, Secretary-Treasurer

Declarations of Pecuniary Interest

Committee member A. Clos declared a pecuniary interest for Application A-34/08 at 51 Goodwin Drive as the applicant is a client.  
There were no further declarations of pecuniary interest.

Minutes from Last Meeting

Moved by P. Brimblecombe and seconded by A. Clos,

“THAT the Minutes from the March 25, 2008 Meeting of the Committee of Adjustment, be approved, as amended.”

Carried.

Other Business

The Secretary-Treasurer advised she attended the Ontario Municipal Board hearing on April 3<sup>rd</sup> for Application A-34/07 at 169 Bristol Street. She noted the appellants requested an adjournment of the application which was granted by the Chair. She noted the hearing was rescheduled until July 3 and 4 in the Council Chambers.

Chair R. Funnell advised he attended the conflict of interest seminar hosted by the City Clerk's Office. He provided valuable information for members of the Committee.

**Application: A-17/08**

**Applicant: Niranchala Elavalakanar**

**Agent:** Niranchala Elavalakanar

**Location:** 25 Zecca Drive

**In Attendance:** Niranchala Elavalakanar

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Elavalakanar advised he received the comments from staff and had no further information to add to the application.

The Committee requested clarification on the concerns expressed from the neighbour concerning the construction of the deck.

Mr. Elavalakanar replied the neighbour's deck was constructed by the same contractor as his deck.

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. Brimblecombe and seconded by J. Andrews,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7 – Row 2 of Zoning By-law (1995)-14864, as amended, for 25 Zecca Drive, to permit a 2.43 metre by 8.45 metre (8 foot by 28 foot) deck ranging in height from 0 metres to 1.35 metres (4.42 feet) to be situate 0.46 metres (1.5 feet) from the left side lot line when the By-law requires a minimum side yard of 0.6 metres (1.96 feet), be approved.

Carried.

**Application:** A-29/08

**Applicant:** Jeff and Tracey Sarginson

**Agent:** Jeff Sarginson

**Location:** 66 Munroe Crescent

**In Attendance:** Jeff Sarginson

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.



Mr. Sarginson replied the notice sign was posted and comments were received from staff. He had no further information to add to the application. He noted he has been involved in legal action with his neighbour and advised the letter had no merits dealing with the application.

Committee member A. Clos questioned if the rear yard requirement is different based on the type of construction being an addition vs. a sunroom.

Planner C. deVriendt replied the rear yard requirement is the same for any addition enclosing habitable space.

Mr. Sarginson noted he reviewed the recommendations and had no concern as the addition will be used as a work out room.

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. Brimblecombe and seconded by D. Kelly,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2-Row 8 of Zoning By-law (1995)-14864, as amended, for 66 Munroe Crescent to construct a 3.66 metre by 9.14 metre (12 foot by 30 foot) all season room under a new 4.27 metre by 9.14 metre (14 foot by 30 foot) deck at the rear of the dwelling, all of which will be situate 5.67 metres (18.6 feet) from the rear lot line when the By-law requires a minimum rear yard of 6.43 metres (21.09 feet), be approved, subject to the following condition:

1. That the habitable floor space under the deck not be used for sleeping arrangements.”

Carried.

The Committee members were unfamiliar with the requirement about sleeping arrangements and requested further information on the requirements.

**Application:** A-125/07  
**Applicant:** Rattinawijaian Veluppilai  
**Agent:** Rattinawijaian Veluppilai  
**Location:** 33 Clairfields Drive West  
**In Attendance:** Rattinawijaian Veluppilai

The Secretary-Treasurer distributed a letter submitted from the applicant.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Veluppilai replied the sign was posted and comments were received from staff. He explained the works were commenced to create the basement apartment and they have been unable to finish due to finances.

Committee member P. Brimblecombe questioned if the concerns from Building Services related to the washroom being located in the cold room should be resolved before the Committee deals with the application.

Planner C. deVriendt replied the variance would not be necessary if the washroom was removed from the cold room.

Committee member P. Brimblecombe questioned if the applicant had considered re-arranging the apartment to comply with zoning requirements.

Mr. Veluppilai replied the unit could not be changed to accommodate the washroom. He advised he has been working with Building Services staff and he is willing to expose the plumbing to provide for inspections.

Committee member A. Clos noted Building Code issues are not a matter for the Committee to consider. She noted the request is for the size of the accessory unit.

Planner C. deVriendt requested the Committee consider a limit to the square footage and a maximum of two bedrooms for the unit if the application is to be considered.

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 A. Clos and seconded by J. Andrews,

“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 33 Clairfields Drive, West, to permit a 105.91 square metre (1,140 square foot) accessory apartment to occupy 55% of the total floor area when the By-law requires an accessory unit occupy a maximum of 80 square metres (861 square feet) and a not exceed 45% of the total floor area, be approved, subject to the following conditions:

1. That a building permit be obtained within 120 days.
2. That the square footage be limited to a maximum area of 105.91 square metres (1,140 square feet).

3. That there be a maximum of 2 bedrooms in the accessory unit.”

Carried.

Committee member A. Clos left the meeting at 6:00 p.m.

**Application:**           **A-96/07**  
**Applicant:**           **Nazir Walji**  
**Agent:**               **Matthew Zaduk**  
**Location:**           **68-78 Ontario Street**  
**In Attendance:**   **Matthew Zaduk**  
                              **M. G. Furma**  
                              **Valerie Copping**  
                              **Stella Mott**  
                              **Robert Szep**  
                              **Laurie Pagnan**

The Secretary-Treasurer read two additional letters submitted on the application.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Zaduk replied the notice sign was posted and comments were received from staff. He explained the nature of the project and stated the works are considered a renovation, not development. He noted he does not intend to pay for curbs, sidewalks, sewers to facilitate this project. He advised he met Grant Ferguson on the property and asked for a price to satisfy the recommended, which were provided. He noted staff has requested they repair the sidewalks on Ontario and Manitoba Street for a total cost of \$16,500.00 to complete the repairs. He explained the nature of the use of the property and their desire to beautify the property.

Planner C. DeVriendt explained that is an application under the Planning Act that can be subject to conditions the Committee considers advisable. He noted staff has requested a detailed site plan be submitted in order to review landscaping, parking and other details on the property.

Bob Szep voiced objection to the application. He advised he lives on the property and would like to retain 70 and 72 Ontario Street as a two unit dwelling.

Valerie Copping explained she lived adjacent to the property and noted she was in support for improvement of the property. She noted she wanted to hear detailed plans for development of the property as it is in disrepair presently.

Mr. Furma explained they want to renovate the previous store to a three bedroom house.

Valerie Copping expressed concern the applicants will fix the property and sell it. She expressed concern how many tenants could result on the property.

Stella Mott explained she lives across the street and submitted two letters on the application. She explained she is in support of development of the property and to the two units being located at 70 and 72 Ontario Street. She did express concern a renovation to the building at 70 and 72 Ontario Street could result in more people residing in the building as it is currently occupied by two bachelor apartments. She expressed concern what could ultimately happen to the property after the renovations are complete as the existing store building is not a building that would attract a family.

Lorraine Pagnan explained she resided at 155 Ontario Street and had submitted a letter on the application. She explained the Committee could not consider the four tests for a minor variance with the incomplete information submitted. She encouraged the applicant to prepare a detailed site plan for the neighbours and City staff to comment on. She encouraged the applicant to meet with staff and the neighbours to resolve the concerns expressed.

Committee member J. Andrews questioned if the Committee could limit the number of bedrooms in the proposed residence.

Planner C. deVriendt replied the application submitted is to allow two residential units on the property. He noted the municipality does not regulate the number of bedrooms for a residential dwelling. He noted if the number of bedrooms exceeds 4 in a residential unit it would be considered a lodging house, which is permitted in the residential zone, subject to regulations. He noted the municipality cannot control tenure into whether a property be rented or owned.

Committee member J. Andrews questioned if the applicant had any meetings with the neighbours.

Mr. Zaduk replied there had been no meeting with neighbours.

Ms. Mott questioned if the municipality could co-ordinate some mediation between the neighbours and the applicant as the neighbours support two units remaining in 70 and 72 Ontario Street.

Mr. deVriendt noted staff is responding to the request as submitted by the applicant, which is a total of two residential units on the entire property.

Robert Szep submitted a letter for the Committee to review.

Mr. Zaduk reiterated this request is a renovation and they do not want the undertake any of the conditions recommended by staff.

Planner C. deVriendt noted any use being introduced into the building previously occupied by a store would require a planning application and the Committee has every right to include the conditions recommended.

Committee member D. Kelly questioned if the City demanded the building at 70-72 Ontario Street be converted to one unit.

Planner C. deVriendt replied staff responded to the application as submitted which was for two residential units on the property.

There was discussion among Committee the applicant does not intend to fulfill the recommended conditions from staff.

Chair R. Funnell cautioned the Committee of the importance of the conditions as they meet City Council's criteria.

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 J. Andrews and seconded by D. Kelly,

“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 4.4 of Zoning By-law (1995)-14864, as amended, for 68-78 Ontario Street, to convert 130.06 square metre variety store to a residential unit and to convert the one storey 260.22 square metre two unit residential building to one residential unit resulting in two detached residential dwelling units on the property when the By-law requires there be no more than one residential dwelling unit on the property, be approved, subject to the following conditions:

1. That the owner shall pay to the City the estimated cost associated with the removal and replacement of a portion of the existing asphalt pavement surfaces, concrete surfaces and concrete curbing from the boulevards (road allowance) and the reconstruction of the boulevard (road allowance) and replacing the asphalt pavement surfaces, concrete surfaces and concrete curbing with topsoil and sod, with the estimated cost of the works, as determined necessary by the City Engineer being paid, prior to the issuance of any building permits. Furthermore, the owner agrees to pay the actual cost of the removal and replacement of the existing asphalt pavement surfaces, concrete surfaces and concrete curbing from the boulevards (road allowance) and the reconstruction of the boulevard (road allowance) and replacing the asphalt pavement surfaces, concrete surfaces and concrete curbing with topsoil and sod and pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
2. That the owner shall pay to the City the estimated cost of the construction of the new driveway entrance and the required curb fills including the reconstruction of the concrete curbs and concrete gutters, with the estimated cost of the works, as determined necessary by the City Engineer being paid, prior to the issuance of any building permits. Furthermore, the owner agrees to pay for the actual cost of the construction of the new driveway entrance and the required curb fills; including the

reconstruction of the concrete curbs and concrete gutters and pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.

3. That the owner shall pay the cost associated with the removal of the chainlink fence that is encroaching on the Ontario Street road allowance, prior to the issuance of any building permits.
4. That the owner shall pay to the City the estimated cost of the reconstruction of the concrete curbs and concrete gutters where required, with the estimated cost of the works, as determined necessary by the City Engineer being paid, prior to the issuance of any building permits. Furthermore, the owner agrees to pay for the actual cost of the reconstruction of the concrete curbs and concrete gutters where required and pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
5. That the owner shall pay to the City the estimated cost of the reconstruction of the pedestrian sidewalks if required, with the estimated cost of the works, as determined necessary by the City Engineer being paid, prior to the issuance of any building permits. Furthermore, the owner agrees to pay for the actual cost of the reconstruction of the pedestrian sidewalks if required and pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
6. That the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of part of the existing one storey brick building encroaching onto the Manitoba Street and Ontario Street road allowances, prior to the issuance of any building permits.
7. The owner applies for service laterals if required and pays the rate in effect at the time of application including the cost of any curb cuts or fills required, prior to the issuance of any building permits.
8. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to the issuance of any building permits.
9. That the applicant develop the site in keeping with the approved plan including the demarcation of parking spaces, within 1 year of the issuance of building permits.
10. The owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, building elevations, grading, drainage, and

servicing for the said lands, to the satisfaction of the Director of Community Design and Development Services, prior to the issuance of any building permit for the new dwellings.

11. That the owner consult with Heritage Guelph regarding their plans for the renovation of the site prior to submitting for building permit.
12. That prior to issuance of a building permit, the applicant makes arrangements for provision of hydro servicing, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
13. That prior to Site plan approval, the owner shall enter into a site plan Control Agreement with the City, registered on title, satisfactory to the City Engineer and City Solicitor, covering the conditions of approval.”

Carried.

**Applications:**        **A-30/08, A-31/08, A-32/08 and A-33/08**

**Applicant:**         **Shadybrook Homes**

**Agent:**              **Jeff Robinson**

**Location:**         **3, 4, 5 Wright Crescent and 286 Exhibition Street**

**In Attendance:**    **Vance Wright**  
                              **Jeff Robinson**

Secretary-Treasurer K. Fairfull read a letter in support of the application.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Wright replied the notice sign was posted and comments were received from staff. He distributed house plans for the two storey homes and a sample two storey home with a loft. He explained there is a 1 foot difference in height between each home except the attic space is utilized as living area.

Committee member J. Andrews questioned if they spoke to any neighbours about the project.

Mr. Wright replied he tried to telephone the neighbours who had expressed concern and he will follow up to address their concerns.

Committee member D. Kelly questioned if there were any concerns about the recommendation from staff.

Mr. Wright replied they have no objection to the recommendation.

Planner C. deVriendt noted staff would like to review the plans to ensure a complete third storey is not constructed.

Application Number A-30/08

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. Kelly and seconded by P. Brimblecombe,

“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 Sections 5.1.3.2.34.2.4. and 5.1.2.8. of Zoning By-law (1995)-14864, as amended, for 4 Wright Crescent,

- a) to permit a third storey loft when the By-law limits the building height to 2 storeys,
- b) to permit a 1.2 metre (3.93 foot) left and right side yard for a third storey loft when the By-law requires buildings over two storeys in height have a minimum side yard of 1.5 metres (4.92 feet),

be approved, subject to the following condition:

1. That the proposed building design, elevations and site plan are submitted to the satisfaction of the Director of Community Design and Development Services, prior to the issuance of the building permit for the proposed dwellings to ensure that the dwellings maintain a two-storey character and that the total floor area of the 3<sup>rd</sup> floor lofts not comprise more than 50% of the total floor area of the 2<sup>nd</sup> storey.”

Carried.

Application Number A-31/08

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. Kelly and seconded by P. Brimblecombe,

“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 Sections 5.1.3.2.34.2.4. and 5.1.2.8. of Zoning By-law (1995)-14864, as amended, for 5 Wright Crescent,

- a) to permit a third storey loft when the By-law limits the building height to 2 storeys,



- b) to permit a 1.2 metre (3.93 foot) left side yard for a third storey loft when the By-law requires buildings over two storeys in height have a minimum side yard of 1.5 metres (4.92 feet),

be approved, subject to the following condition:

1. That the proposed building design, elevations and site plan are submitted to the satisfaction of the Director of Community Design and Development Services, prior to the issuance of the building permit for the proposed dwellings to ensure that the dwellings maintain a two-storey character and that the total floor area of the 3<sup>rd</sup> floor lofts not comprise more than 50% of the total floor area of the 2<sup>nd</sup> storey.”

Carried.

### Application Number A-32/08

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. Kelly and seconded by P. Brimblecombe,

“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 Sections 5.1.3.2.34.2.4. and 5.1.2.8. of Zoning By-law (1995)-14864, as amended, for 3 Wright Crescent,

- a) to permit a third storey loft when the By-law limits the building height to 2 storeys,
- b) to permit a 1.2 metre (3.93 foot) right side yard for a third storey loft when the By-law requires buildings over two storeys in height have a minimum side yard of 1.5 metres (4.92 feet),

be approved, subject to the following condition:

1. That the proposed building design, elevations and site plan are submitted to the satisfaction of the Director of Community Design and Development Services, prior to the issuance of the building permit for the proposed dwellings to ensure that the dwellings maintain a two-storey character and that the total floor area of the 3<sup>rd</sup> floor lofts not comprise more than 50% of the total floor area of the 2<sup>nd</sup> storey.”

Carried.

### Application Number A-33/08

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. Kelly and seconded by P. Brimblecombe,

“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 Sections 5.1.3.2.34.2.4. 5.1.2.8. and Table 5.1.2-Row 6a of Zoning By-law (1995)-14864, as amended, for 286 Exhibition Street,

- a) to permit a third storey loft when the By-law limits the building height to 2 storeys,
- b) to permit a 1.2 metre (3.93 foot) right side yard for a third storey loft when the By-law requires buildings over two storeys in height have a minimum side yard of 1.5 metres (4.92 feet),
- c) to permit an exterior side yard of 1.5 metres (4.92 feet) when the By-law requires a minimum exterior side yard of 4.5 metres (14.76 feet),

be approved, subject to the following condition:

1. That the proposed building design, elevations and site plan are submitted to the satisfaction of the Director of Community Design and Development Services, prior to the issuance of the building permit for the proposed dwellings to ensure that the dwellings maintain a two-storey character and that the total floor area of the 3<sup>rd</sup> floor lofts not comprise more than 50% of the total floor area of the 2<sup>nd</sup> storey.”

Carried.

**Application: A-34/08**  
**Applicant: Reid’s Heritage Homes**  
**Agent: Jeff Robinson**  
**Location: 51 Goodwin Drive**  
**In Attendance: Jeff Robinson**

The Secretary-Treasurer read additional letters received on the application.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Robinson replied the notice sign was posted and comments were received from staff. He provided detail on the variances requested and explained they have been working with staff through the site plan process. He noted the proposed density does meet the general intent and purpose of the current Official Plan as it encourages intensification in a compact urban form. He explained the development known as Trafalgar Court will provide an alternative lifestyle to low rise residential in the neighbourhood.

Committee member J. Andrews requested clarification on the concerns expressed about density.

Planner C. deVriendt noted the Official Plan states a maximum of 100 units/hectare be permitted and noted Planning staff have recognized initiatives which may result in changes to the Official Plan and Zoning By-law in the future however he unsure what will be supported by staff, the community and City Council when they are recommended. He noted this is a phased project and staff recognizes the project can proceed under the regulations of the By-law and Official Plan and their initiatives could be implemented in the last building, if approved by City Council.

Committee member D. Kelly questioned if an Official Plan amendment would be necessary before this variance could be considered.

Planner C. deVriendt replied the Committee needs to assess the merits under the Planning Act.

Mr. Robinson explained they are currently constructing two buildings and a site plan application has been submitted for the last three buildings. He noted the Committee has a little latitude when considering the general intent of the Official Plan.

Committee member D. Kelly noted the general intent should be considered not the numerical requirements.

Planner C. deVriendt noted Planning staff do not have strong opposition to the request for density variance but they cannot recommend support of the request either.

Committee member P. Brimblecombe questioned what the timeline was for the final phase of project.

Mr. Robinson replied the first two buildings are sold out and they would like to market the final three buildings this year.

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. Kelly and seconded by P. Brimblecombe,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.4.2 – Row 5, 9 and 12 of Zoning By-law (1995)-14864, as amended, for 51 Goodwin Drive,

- a) to permit the maximum density on this site to be 107.7 per hectare for a total of 251 units, when the By-law requires the maximum density be 100 units per hectare (233 units would be permitted),

- b) the permit minimum rear yard to be 7.5 metres (24.6 feet) when the By-law requires the minimum rear yard be equal to 20% of the lot depth or one-half the building height, whichever is greater but in no case less than 7.5 metres [28.17 metres (92.42 feet) rear yard required for this site], and,
- c) to permit a minimum common amenity area of 3,853.3 square meters (41,476.58 square feet) when the By-law requires the minimum common amenity area be not less than 30 square metres per dwelling unit for each unit up to 20 and 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 [this site would require 5,220 square metres (56,187.61 square feet) of common amenity area],

be approved, subject to the following condition:

1. That the owner receives approval from the City for a site plan under Section 41 of the Planning Act, prior to the issuance of a building permit. Furthermore, the owner shall develop the property in accordance with the approved site plan.”

Carried.

The meeting adjourned at 7:45 p.m.

R. Funnell  
Chair.

K. E. Fairfull  
Secretary-Treasurer.

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday May 13, 2008 at 4:30 p.m. in Council Committee Room B, City Hall, with the following members present:

R. Funnell, Chair  
L. McNair  
D. Kelly  
P. Brimblecombe  
J. Andrews  
A. Clos  
B. Birdsell

Staff Present: G. Atkinson, Planner  
K. Fairfull, Secretary-Treasurer

Chair R. Funnell introduced and welcomed new Committee member B. Birdsell to the Committee.

### Declarations of Pecuniary Interest

Committee member A. Clos declared a pecuniary interest for Applications B-16/08 and A-46/08 as the applicant is a client.

### Minutes from Last Meeting

Moved by P. Brimblecombe and seconded by J. Andrews,

“THAT the Minutes from the April 8, 2008 Regular Meeting of the Committee of Adjustment, be approved, as amended.”

Carried.

### Other Business

The Secretary-Treasurer advised the Ontario Municipal Board hearing for 154 Dublin Street, North was cancelled on May 13, 2008 as the parties were able to reach an agreement with mediation. She advised she would forward the decision to Committee members when received.

The Secretary-Treasurer advised the Ontario Municipal Board hearing for Application A-34/07 at 169-173 Bristol Street has been re-scheduled for 2 days commencing July 3, 2008 at 10:00 a.m.

Committee member A. Clos, having declared a pecuniary interest for the next applications, left the room.

**Applications:**        **B-16/08 and A-46/08**

**Applicant:**         **Industrial Equities Guelph Corporation**

**Agent:**             **Jeff Buisman; Van Harten Surveying Inc.**

**Location:**         **995 Southgate Drive**

**In Attendance:**    **Ian Rawlings**  
                             **Leslie Marlow**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Marlowe noted the notice sign was posted and the comments from staff are positive.

There were no questions from the members of the Committee.

Application B-16/08

Having had regard to the matters that are to be had regard to 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. Brimblecombe and seconded by J. Andrews,

“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 an easement over Part of Lot 13, Concession 7, more particularly described as Part 34, Reference Plan 61R-10808, an easement with a width of 5 metres and a depth of 325.36 metres, to provide hydro servicing to the Southgate Business Park, be approved, subject to the following conditions:

1. That prior to site plan approval, the dominant tenement (995 Southgate Drive), grants a 5.0-metre (16.40 feet) wide by 325.39-metre (1,067.45 feet) length and a 5.0-metre (16.40 feet) wide by 326.28-metre (1,070.47 feet) length easement (Part 34 on Reference Plan 61R-10808) for hydro servicing to the Southgate Business Park from Crawley Road to Southgate Drive, registered on title, in favour of the servient tenement (Guelph Hydro Electric Systems).
2. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to May 16, 2009.
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 endorsement of the deed.

4. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
5. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application A-46/08

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. Brimblecombe and seconded by J. Andrews,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 7.3.3 of Zoning By-law (1995)-14864, as amended, for the amalgamated 995 Southgate Drive, to permit loading areas to be located in a yard abutting Crawley Road (and eventually the Hanlon Parkway when Crawley Road is closed) when the By-law requires that no loading space shall be located in a yard abutting the Hanlon Parkway, be approved.”

Carried.

Committee member A. Clos came back to the room.

**Application:** A-42/08  
**Applicant:** Guelph Grangehill Developments Limited  
**Agent:** A. Bruce Donaldson  
**Location:** 1 Creighton Avenue  
**In Attendance:** Bruce Donaldson

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Donaldson replied the notice sign was posted and comments were received from staff. He noted the house is under construction and should be complete in 30 days. He explained his client would like utilize the garage as a sales office. He questioned if the Committee could consider recommending the variance conditional on registration of the plan of subdivision. He noted Metrus does not support this agreement being registered on title prior to registration of the subdivision however his client supports the agreement being registered after registration of the subdivision. He noted his client agrees not to occupy the building as a model home until the agreement is registered on title.

Planner G. Atkinson noted the timing is a technical issue and Planning staff support reserving the decision until registration of the plan of subdivision.

In response to a question from the Committee, Mr. Donaldson explained his client has purchased 57 lots from Metrus and the number of lots sold will be dictated by the market conditions, however they do not anticipate utilizing the model home any longer than 5 years.

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 A. Clos and seconded by J. Andrews,

“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 5.1.1. and 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 1 Creighton Avenue, to permit a model home to operate within the building, occupying the garage space as a sales office, resulting in the off-street parking space being located 0 metres from the Creighton Avenue property line and ahead of the main front building wall when the By-law permits residential uses only on the subject property and requires the off-street parking space be located a minimum of 6 metres from the streetline and to the rear of the main front wall of the building, be approved, subject to the following conditions:

1. That the minor variance approval be conditional upon registration of the Plan.
2. That the owner enters into an agreement registered on title prior to the use as a sales office, which requires that the sales office be restored to accommodate parking spaces within the attached garage, prior to the transfer of title to a subsequent owner or within 5 years of the issuance of the building permit, whichever occurs first.”

Carried.



**Application:** A-41/08  
**Applicant:** Upper Grand District School Board  
**Agent:** Greg Poste; MMC Inc. Architects  
**Location:** 397 Stevenson Street, North  
**In Attendance:** Greg Poste  
John Charbonneau  
Paul Scinocca

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Charbonneau replied the notice sign was posted and comments were received from staff. He requested clarification on the recommendation for the privacy fence between the parking area and the abutting residential property.

Planner G. Atkinson stated the Official Plan requires all Institutional uses be screened from residential properties and the minimum requirement being requested in site plan approval will be a fence constructed in accordance with the Zoning By-law.

Mr. Charbonneau advised he understood the recommendations and had no further questions.

There were no questions from members of the Committee.

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. McNair and seconded by P. Brimblecombe,

“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 4.3.2.3 of Zoning By-law (1995)-14864, as amended, for 397 Stevenson Street, North, to construct a 476.3 square metre one storey gymnasium addition and,

- a) to provide 52 off-street parking spaces when the By-law requires 58 off-street parking spaces be provided,
- b) to permit 12 off-street parking spaces to be located on the City laneway adjacent to the property when the By-law requires the off-street parking provided be located on the same lot as the use requiring the parking, and,

- c) to permit two off-street parking spaces to be located within 3 metres of the Stevenson Street property line when the By-law requires parking not be located within 3 metres of the street property line,

be approved, subject to the following conditions:

1. The Owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing, specifically the screening of the proposed off-street parking spaces abutting the residential use at 391 Stevenson Street North and the separation of the proposed parking spaces adjacent to the Stevenson Street property line satisfactory to the Director of Community Design and Development Services, prior to the issuance of a building permit, and furthermore the Owner agrees to develop the said lands in accordance with the approved plan.
2. That the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of the proposed location of 12 off-street parking spaces on the adjacent City-owned laneway, prior to site plan approval.
3. That the variance for the location of 2 off-street parking spaces to be located within 3 metres (9.84 feet) of the Stevenson Street North property line be limited to 1.5 metres (4.9 feet) from the property line.
4. That the owner shall pay to the City the estimated cost associated with the removal and replacement of a portion of the existing asphalt pavement and gravel surfaces from the boulevard (road allowance) and the reconstruction of the boulevard (road allowance) and replacing the asphalt pavement and gravel surfaces with topsoil and sod, with the estimated cost of the works, as determined necessary by the City Engineer being paid, prior to the issuance of a building permit. Furthermore, the owner agrees to pay the actual cost of the removal and replacement of the existing asphalt pavement and gravel surfaces from the boulevard (road allowance) and the reconstruction of the boulevard (road allowance) and replacing the asphalt pavement and gravel surfaces with topsoil and sod and pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.”

Carried.

Committee member L. McNair left the room.

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**Application:**        **A-48/08**

**Applicant:**         **Wanita Smith**

**Agent:**             **Kathleen Taylor; Four Seasons Sunrooms**

**Location:**         **35 Raglan Street**

**In Attendance:**    **Matt Fairfull**  
                          **Wanita Smith**  
                          **Daryl Bedard**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Bedard replied the notice sign was posted and comments were received from staff.

Ms. Smith replied she received the comments from staff and had no objection to the recommendations.

Committee member B. Birdsell questioned if they understood the Building Code regulations.

Mr. Bedard replied they are allowed 9% of unprotected openings along the walls and they will have 6.92% opening which will meet Building Code requirements.

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. Kelly and seconded by J. Andrews,

“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 5.1.2.1 and Table 5.1.2-Row 7 of Zoning By-law 91995)-14864, as amended, for 35 Raglan Street, to permit a 3.64 metre by 5.96 metre (11.96 foot by 19.56 foot) sunroom addition to be situate 2.89 metres (9.5 feet) from the left side lot line and 1.34 metres from the right side lot line and when the By-law requires a minimum side yard of 3 metres (9.84 feet) where the off-street parking space is located and a minimum side yard of 1.5 metres (4.92 feet) on the opposite side yard, be approved.”

Carried.

Committee member L. McNair came back to the room.

**Application:**           **A-38/08**  
**Applicant:**           **Carbrid Enterprises Limited**  
**Agent:**               **Smith Valeriote Law Firm**  
**Location:**           **315 Woodlawn Road, West**  
**In Attendance:**   **Ernest J. Stross**  
                              **Sandra Smith**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Stross replied the notice sign was posted and comments were received from staff. He noted their client has no objection to the request for a variance and is willing to submit an as-built site plan. He noted they have commissioned a site plan being prepared.

Chair R. Funnell stressed the as-built site plan must be acceptable to staff

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. McNair and seconded by A. Clos,

“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 6.4.3.1.14.1 of Zoning By-law (1995)-14864, as amended, for 315 Woodlawn Road, West, to permit the retail and display of furniture and household furnishings when the By-law permits a financial establishment, medical clinic, medical office, office and veterinary service, be approved, subject to the following condition:

1. That the Owner develops the property in accordance with the approved site plan, within six (6) months of the decision or alternatively the Owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed ‘as built’ site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the Director of Community Design and Development Services, prior to the use of the building for a retail sales of furniture.”

Carried.

**Application:**        **A-40/08**  
**Applicant:**        **Tanya Wachta/Fahad Bakalka**  
**Agent:**             **Jeffrey Masson, Decking Around**  
**Location:**         **9 Zess Court**  
**In Attendance:**    **No One**

Committee member D. Kelly commented she did see the sign on the property.

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. Brimblecombe and seconded by A. Clos,

“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 4.20.10.3 of Zoning By-law (1995)-14864, as amended, for 9 Zess Court, to permit a 2.44 metre (8 foot) high fence in the side yard when the By-law limits the height of a fence in the side yard to a maximum of 1.9 metres (6.23 feet), be approved.”

Carried.

**Application:**        **A-47/08**  
**Applicant:**        **Dave Coultis**  
**Agent:**             **Dave Coultis**  
**Location:**         **17 Beaver Meadow Drive**  
**In Attendance:**    **Dave Coultis**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Coultis replied the notice sign was posted and comments were received from staff. He submitted photographs of the property demonstrating the steep grade to the rear of the lot and noted he supports City staff's position that they are creating a safer and more accessible space.

Chair R. Funnell questioned if the deck was constructed by a contractor.

Mr. Coultis replied he phoned the City and was advised there was no building permit and there were violations of the By-law and this was when he discovered the work was completed by his contractor with no approvals.

Committee member L. McNair questioned if the deck was actually located 0 metres from left side lot line.

Mr. Coultis replied there is a 4 foot sideyard and the deck is 4 feet wide. He noted is the deck was constructed to comply with By-law requirements it would result in a 2 foot gap between the deck and the fence. He noted he asked the abutting property to construct a communal deck and they were not interested as the house was for sale.

Committee member P. Brimblecombe questioned who the fence belonged to.

Mr. Coultis replied he installed the fence and it is located on his property.

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 A. Clos and seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7 – Row 2 of Zoning By-law (1995)-14864, as amended, for 17 Beaver Meadow Drive, to permit a 1.2 metre wide deck constructed in the left side yard to be situate 0 metres from the left side lot line when the By-law requires that an uncovered deck above 1.2 metres be situate a minimum of 0.6 metres from the side lot line, be approved.”

Carried.

**Application: A-37/08**  
**Applicant: Susan Burns**  
**Agent: Susan Burns**  
**Location: 112 Cork Street, West**  
**In Attendance: Susan Burns**  
**Bruce Donaldson**

The Secretary-Treasurer advised she researched the property files in response to a concern from the applicant regarding the encroachment agreement and found an existing encroachment agreement which has been registered on title. She further

advised there was an email submitted in support of the application which was forwarded to Committee members.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. Burns replied the notice sign was posted and comments were received from staff.

Committee member P. Brimblecombe questioned what the distance was between the property line and the road allowance.

Planner G. noted he measured 4 metres from the front of the house and the sidewalk.

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 J. Andrews and seconded by D. Kelly,

“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 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 112 Cork Street, West, to permit a 2.54 metre by 1.12 metre roofed porch and associated stairs in the left side yard which will result in the off-street parking space being situate 4.2 metres (13.77 feet) from the street property line when the By-law requires the legal off-street parking space be located a minimum distance of 6 metres (19.68 feet) from the street property line, be approved.”

Carried.

**Application: A-28/08**  
**Applicant: Vincent Czeranko**  
**Agent: Vincent Czeranko**  
**Location: 19 William Street**  
**In Attendance: Vincent and Susan Czeranko**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Czeranko replied the notice sign was posted and comments were received from staff. He had no further information to add to the application.

In response to questions from the Committee, Mr. Czeranko explained he has requested the additional height to accommodate a truck, camper, boat, motorcycle and plans to do woodworking in the garage. He noted he requires the second storey for storage and wanted additional headroom.

In response to questions from the Committee if services would be provided to the building, Mr. Czeranko explained his house is heated by hot water so a water line will be extended to the garage for heating and plan to provide plumbing to wash his hands. He further noted he plans to provide a drain from the building.

Committee member L. McNair questioned if the applicant would consider a larger building with lower height.

Mr. Czeranko replied the properties to the rear are 3 to 4 feet higher in elevation and there is mature vegetation to screen the building.

Mrs. Czeranko explained there are mature gardens in the balance of the rear yard and a larger building would destroy them.

In response to questions from the Committee, Mr. Czeranko provided the proposed garage door heights and roof pitch. He noted he was willing to redesign the roof to provide a lower height.

Committee member L. McNair noted a more appropriate height would be approximately 16 feet to the plate which would pull the overall height down to 19 feet and 21.5 feet to the peak.

Mr. Czeranko replied he is willing to lower the height of the building.

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. McNair and seconded by J. Andrews,

“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 4.5.2.1. of Zoning By-law (1995)-14864, as amended, for 19 William Street, to construct a 9.14 metre by 9.75 metre two storey garage/storage building in the rear yard with a height of 5.79 metres when the By-law requires an accessory building in a residential zone have a maximum height of 3.6 metres, be approved, subject to the following conditions:

1. That the maximum height of the accessory building be 5.79 metres (19 feet), measured to the mid point between eave and ridge.



2. That the existing accessory buildings located on the property be demolished within one year of the building permit issuance.
3. That the proposed garage be located a minimum of 1 metre from any lot line.
4. That no human habitation or home occupation be permitted in the accessory structure.”

Carried.

**Application:**           **A-36/08**

**Applicant:**           **Adelio Pereira**

**Agent:**               **Alvin Brown**

**Location:**           **15 Holland Crescent**

**In Attendance:**      **Adelio Pereira**  
                              **Alvin Brown**  
                              **Richard Campbell**  
                              **Shelley Campbell**  
                              **Wayne Campbell**

The Secretary-Treasurer advised there was a letter submitted in objection to the application which was forwarded to Committee members and the applicant.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Brown replied the notice sign was posted and comments were received from staff. He explained the nature of the proposed work and noted the swale between the properties would be maintained if the project was moved back 8”.

Mr. Campbell noted their concerns are made clear in the letter submitted. He noted their main concern deals with the change in the drainage pattern.

Chair R. Funnell questioned if the project was discussed with staff in the Engineering Department.

Committee member A. Clos questioned why the door needs to be below grade.

Mr. Brown replied the door would open to an existing landing in the house.

Committee member B. Birdsell noted the adjacent property would have to be used to form the concrete for the entrance.

Mr. Brown replied they understand they cannot dig on the abutting property. He noted if they locate the entrance back 8" they can undertake all construction on their property.

Mr. Funnell advised there are issues respecting the construction and requested the applicant consider meeting with staff and the drainage and the method of construction.

Moved by P. Brimblecombe and seconded by L. McNair,

"THAT Application A-36/08 for Adelio Pereira at 15 Holland Crescent be deferred sinedie, and in accordance with the Committee's policy on applications deferred sinedie, that the deferral application fee be paid prior to reconsideration of the application and the application will be considered to be withdrawn if not dealt with within 12 months of deferral."

Carried.

**Application: A-35/08**  
**Applicant: David Duffield**  
**Agent: David Duffield**  
**Location: 29 Julia Drive**  
**In Attendance: David Duffield**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Duffield replied the notice sign was posted and comments were received from staff. He had submitted pictures of property to the rear and explained there was a large tree located at the rear which screened the large barn-like building which was removed last year. He noted the owners of 27 Julia Drive support the variance.

In response to a question from the Committee, Mr. Duffield replied he requires the building for additional storage for his family.

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 J. Andrews and seconded by D. Kelly,

"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 4.5.2.1 of Zoning By-law 91995)-14864, as amended, for 29 Julia Drive, to

construct a 6.1 mere by 9.14 metre detached garage with a loft area resulting in an accessory building with a height of 4.42 metres when the By-law requires an accessory building in a residential zone have a maximum height of 3.6 metres, be approved, subject to the following condition:

1. That no human habitation or home occupation be permitted in the accessory structure.”

Carried.

**Application:** B-15/08  
**Applicant:** Skyline Equities Incorporated  
**Agent:** Gregory Jones  
**Location:** 26 Willow Road  
**In Attendance:** Gregory Jones

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Jones replied the notice sign was posted and comments have been received from staff. He explained Skyline Equities is a residential apartment building management company and they have recently started a construction company. He noted the municipality identified this area in the growth management strategy for future residential development which is supported by the recommendations from staff.

Committee member P. Brimblecombe noted there is a large storm sewer easement running through the property. He questioned what the storm sewer served.

Mr. Jones replied the storm sewer extends to the spurline along Edinburgh Road and he was unsure what lands it serviced.

Committee member A. Clos questioned if the building could be re-oriented to clear the storm sewer rather than have the expense of moving it.

Mr. Jones noted this will be examined closer when the site plan is submitted.

Committee member L. McNair questioned why the right-of-way has such an odd shape.

Mr. Jones replied they originally proposed a direct access from Bagot Street and was encouraged by staff to apply for the right-of-way as a shared access.

Having had regard to the matters that are to be had regard to 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 L. McNair and seconded by J. Andrews,

“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 Lots 1 through 7, Registered Plan 334, to be known as 135 Bagot Street, a parcel, irregular in shape, with a frontage along Bagot Street of 30 metres and an area of 1,410 square metres, together with and subject to a right-of-way with a width of 6 metres to allow access to off-street parking for 135 Bagot Street (severed parcel) and 26 Willow Road (retained parcel), be approved, subject to the following conditions:

1. The owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the retained lands to the satisfaction of the Director of Planning Community Design and Development Services, prior to the endorsement of the deeds, and furthermore the Owner agrees to develop the said land in accordance with the approved plan.
2. Prior to site plan approval for the lands to be retained, the owner shall have a Professional Engineer design a grading plan and storm water management system, satisfactory to the City Engineer.
3. That the owner grades, develops and maintains the lands to be retained, services including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the services and the stormwater management system, certify to the City that he/she supervised the construction of the services and the stormwater management system and that the services and the stormwater management system were built as they were approved by the City and is functioning properly.
4. That the applicant apply for and receive consents for easements to facilitate the proposed mutual access on the severed and retained lands, prior to the endorsement of the deeds.
5. That the applicant shall pay to the City cash-in-lieu of parkland dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsement of the deeds, at the rate in effect at the time of the endorsement.
6. The owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan for the lands to be severed, indicating the location, elevation, and design of the new building, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the

- severed lands to the satisfaction of the Director of Community Design and Development Services, prior to the issuance of a building permit, and furthermore the Owner agrees to develop the said lands in accordance with the approved plan.
7. Prior to site plan approval for the lands to be severed, the owner shall have a Professional Engineer design a grading plan and storm water management system, satisfactory to the City Engineer.
  8. That the owner grades, develops and maintains the lands to be severed, services including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the services and the stormwater management system, certify to the City that he/she supervised the construction of the services and the stormwater management system and that the services and the stormwater management system were built as they were approved by the City and is functioning properly.
  9. That the owner pays all costs related to the relocation of the storm sewer and registration of the related easement prior to site plan approval and that an agreement to this effect be registered on the title of the severed lands prior to the endorsement of deeds.
  10. That the owner shall pay to the City the estimated cost associated with the relocation and reconstruction of the existing 685mm storm sewer, with the estimated cost of the works, as determined necessary by the City Engineer being paid, prior to site plan approval. Furthermore, the owner agrees to pay the actual cost of the relocation and reconstruction of the existing 685mm storm sewer and pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
  11. The owner shall have an independent Professional Engineer and/or Ontario Land Surveyor prepare a reference plan to the satisfaction of the City Engineer, identifying the new location of the 685mm storm sewer shared right-of-way easement, prior to site plan approval.
  12. The owner shall pay the entire costs associated with locating the position of the existing 150mm storm sewer lateral serving the existing multi-level building, prior to site plan approval.
  13. The owner shall pay the entire costs associated with the removal and reconstruction of the existing 150mm storm sewer lateral, to the satisfaction of the City Engineer, prior to the issuance of a building permit.

14. That the owner pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2004)-17361, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to the issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
15. The owner applies for sanitary, storm and water laterals and pays the rate in effect at the time of application including the cost of any curb cuts or fills required, prior to the issuance of a building permit.
16. That the owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the new building, prior to the issuance of any building permit.
17. That the owner shall make arrangements satisfactory to Bell Canada for the servicing of the new building, prior to the issuance of a building permit.
18. That the owner shall make arrangements satisfactory to Union Gas for the servicing of the new building, prior to the issuance of a building permit.
19. That prior to endorsation of the deeds, the owner shall enter into an Agreement with the City, registered on title, satisfactory to the City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
20. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to May 16, 2009.
21. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
22. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
23. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 –

2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

**Applications: B-17/08, A-44/08 and A-45/08**

**Applicant: Shawn Kroeplin**

**Agent: Shawn Kroeplin**

**Location: 122 Morris Street**

**In Attendance: Shawn Kroeplin**

The Secretary-Treasurer advised an email was received from the abutting neighbour which was forwarded to Committee members and the applicant.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Kroeplin replied the notice sign was posted and comments were received from staff. He submitted a revised plan for the Committee to review taking into consideration the comments submitted from the neighbour. He further noted he would like to add a roofed porch to the front of the building which would be consistent with the existing dwellings in the neighbourhood.

Committee member A. Clos questioned if the applicant had considered flipping the house to provide a garage space adjacent to 122 Morris Street. She noted this would provide additional light to the house at 126 Morris Street.

Mr. Kroeplin replied this would result in the removal of a mature tree.

Committee member D. Kelly examined the photographs of the site and noted the tree to be removed is not a large tree. She further noted that removal of the cedar trees along the lot line could provide additional light for the neighbour.

Mr. Kroeplin noted he is trying to respect their concerns however the mature cedar trees currently decrease the light from those windows which he could removed.

In response to a question from the Committee, Mr. Kroeplin noted the property is located approximately 200 feet from the railway spurline.

Committee member D. Kelly questioned if the existing sidewalk on the retained parcel was cracked.

Mr. Kroeplin replied a portion of the sidewalk in front of the retained parcel is cracked.

Committee member D. Kelly expressed concern staff was recommending repairs on the retained parcel.

Chair R. Funnell noted it is the City's standard procedure to pay for services to be brought up to standards through development applications.

Planner G. Atkinson noted he calculated the requirements to permit the roofed porch and the Zoning By-law would permit the recommended roofed porch for the new dwelling.

Committee member L. McNair questioned if the Committee could dictate the location of the building on the severed parcel.

The Secretary-Treasurer replied the Committee could impose any condition they feel necessary for orderly development of the property.

Committee member D. Kelly requested clarification on the objection from staff respecting the hot tub location.

Planner G. Atkinson noted the accessory building adjacent to the lot line is being used for human habitation so hot tub location requested is not desirable.

In response to a question from the Committee, Mr. Kroeplin replied the hot tub will be constructed on grade. He noted he would be willing to move the hot tub in line with the existing building wall, being 3' 5" from the lot line.

Committee member D. Kelly questioned if Planning staff had a concern about the privacy of the residents of the accessory building.

Planner G. Atkinson replied there are windows located at the back of the adjacent residence.

#### Application B-17/08

Having had regard to the matters that are to be had regard to 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 A. Clos and seconded by D. Kelly,

"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 Lot 80, Part Lot 81, Registered Plan 322, Morris Street, a parcel with a frontage along Morris Street of 10.48 metres (38.82 feet) and a depth of 38.82 metres (127.36 feet), be approved, subject to the following conditions:

1. That the existing garage be demolished prior to the endorstation of the deeds.



2. That the owner provides a legal off-street parking space on the proposed retained lands, satisfactory to the City Engineer, prior to endorstation of the deeds.
3. That the owner shall pay all of the costs associated with the removal of the existing garage and a portion of the existing asphalt driveway on the lands to be severed, prior to endorstation of the deeds.
4. That the applicant shall pay to the City cash-in-lieu of parkland dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsement of the deeds, at the rate in effect at the time of the endorsement.
5. That the owner pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2004)-17361, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to the issuance of a building permit for the new dwelling, at the rate in effect at the time of issuance of the building permit.
6. That the elevation and design for the new dwelling on the severed parcel be submitted to, and approved by, the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwelling.
7. That a site plan be prepared for the severed parcel indicating:
  - a) The location and design of the new dwelling;
  - b) The location and extent of driveway and legal off-street parking space for the new dwelling with the driveway for the new dwelling being located on the south east side of the lot; and
  - c) Grading, drainage and servicing information as required by the Director of Community Design and Development Services.

All of the above to be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwelling.

8. That the applicant pays the watermain frontage charge of \$8.00 per foot of frontage for 34.42-feet (10.49 metres), prior to endorstation of the deeds.
9. The owner applies for sanitary and water laterals and pays the rate in effect at the time of application including the cost of any curb cuts or fills required, prior to the issuance of a building permit.

10. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsement of the deeds.
11. That the owner constructs the new dwelling at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
12. That the owner shall pay for the actual cost of the construction of the new driveway entrance and the required curb cuts and fills, with the estimated cost of the works, as determined necessary by the City Engineer being paid, prior to the issuance of a building permit. Furthermore, the owner agrees to pay for the actual cost of the construction of the new driveway entrance and the required curb cuts and fills and pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
13. That the owner shall pay for the actual cost of the reconstruction of the pedestrian sidewalk where it is cracked, with the estimated cost of the works, as determined necessary by the City Engineer being paid, prior to the issuance of a building permit. Furthermore, the owner agrees to pay for the actual cost of the reconstruction of the pedestrian sidewalks where it is cracked and pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
14. That prior to the issuance of a building permit, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
15. That no human habitation or home occupation be permitted in the accessory structure.
16. That prior to issuance of a building permit, the applicant makes arrangements for provision of servicing to the new dwelling, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
17. That prior to the issuance of a building permit for the severed parcel the owner shall:
  - a) Investigate the noise and vibration levels on the site and determine the mitigation measures which are satisfactory to the Guelph Junction Railway and the Ministry of Environment in achieving applicable provincial criteria. An acoustical and vibration report prepared by a qualified professional engineer containing the recommended control measures shall be submitted

in duplicate to the Guelph Junction Railway and the Ministry of Environment for review and approval.

- b) The Owner shall register on title to the lands and place the following warning clause in all agreements of purchase and sale or lease on the Lands that are within 300 metres of the railway right-of-way.

“Warning: Guelph Junction Railway or its assigns or successors in interest has or have a right-of-way in the future, including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuation measures in the design of individual dwelling(s). Guelph Junction Railway will not be responsible for any complaints or claims arising from use of such facilities and or operations on, over or under the aforesaid right-of-way.”

18. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
19. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to May 16, 2009.
20. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
21. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
22. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application A-44/08

Moved by L. McNair and seconded by B. Birdsell

“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 4 and Row 12, Sections 5.1.2.6, 4.5.5.3, 4.5.4. and 4.5.2.1. of Zoning By-law (1995)-14864, as amended, for 122 Morris Street,

- a) to permit a lot frontage of 12.36 metres (40.58 feet) when the By-law requires a minimum frontage equal to the average of the exiting frontages in the same City Block Face [14.26 metres (46.8 feet)];
- b) to permit a proposed hot tub to be located 1 metre (3.28 feet) from the left side lot line when the By-law requires a hot tub be located a minimum of 1.5 metres (4.92 feet) from any lot line;
- c) to permit a 66.33 square metre (714 square foot) detached garage in the rear yard to occupy 13.5% of the property with a height of 5 metres (16.4 feet) when the By-law requires that an accessory building occupy a maximum of 10% of the lot area and have a maximum height of 3.6 metres (11.81 feet) – measured at the mid point between the eave and the ridge, and,
- d) to permit a 0.3 metre (1 foot) landscaped strip along the right side lot line when the By-law requires that a 0.6 metre (1.96 foot) landscaped strip be provide along the lot line leading to the off-street parking space,

be approved, subject to the following condition:

1. That the conditions imposed for Application B-17/08 be and form part of the approval.”

Carried.

#### Application A-45/08

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 A. Clos and seconded by D. Kelly

“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 3, Row 4 and Row 7 of Zoning By-law (1995)-14864, as amended, for Morris Street,

- a) to permit a lot frontage of 110.48 metres (34.41 feet) when the By-law requires a minimum frontage equal to the average of the exiting frontages in the same City Block Face [14.26 metres (46.8 feet)];

- b) to permit a lot area of 407.3 square metres (4,384.14 square feet) when the By-law requires a minimum lot area of 460 square metres, and,
- c) to permit a left and right side yard of 1.2 metres (4 feet) for the proposed residential dwelling when the By-law requires a minimum side yard of 1.5 metres (4.92 feet),

be approved, subject to the following condition:

1. That the conditions imposed for Application B-17/08 be and form part of the approval.”

Carried.

**Application: A-39/08**  
**Applicant: Lorraine Monk**  
**Agent: Lorraine Monk**  
**Location: 45 Sandpiper Drive**  
**In Attendance: Lorraine Monk**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. Monk replied the notice sign was posted and comments were received from staff. She requested the Committee consider the application as submitted as she has already decreased her driveway width by 3 feet. She noted she would like to retain the walk to the front door which is considered parking area as it is hard surface.

Committee member B. Birdsell questioned if the driveway trim was constructed with stone.

Ms. Monk replied the trim is stone and was included in the overall width.

Committee member A. Clos questioned if the driveway was recently completed.

Ms. Monk replied she had work completed last fall to decrease the width and the sod work was completed last week.

Committee member A. Clos noted staff would like a further decrease in the width of the driveway.

Committee member D. Kelly noted the driveway width is now 48.73% of the front yard and staff is requesting a further decrease to 46% which is a decrease of 16” 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 P. Brimblecombe and seconded by L. McNair,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 – Row 12 of Zoning By-law (1995)-14864, as amended, for 45 Sandpiper Drive, to permit a driveway width of 6.9 metres (22.6 feet) which constitutes 46% of the front yard when the By-law requires the maximum driveway width be 6 metres (19.68 feet) and shall not constitute more than 40% of the front yard, be approved, subject to the following conditions:

1. That the variance for driveway width be limited to 46% or a maximum width of 6.9 metres (22.6 feet).
2. That the excess 0.41 metres (1.35 feet) of pavement be restored to landscaped open space, satisfactory to the Director of Community Design and Development Services within 3 months of the date of the decision.
3. That the legal off-street parking space be restored in the attached garage to the satisfaction of the Director of Community Design and Development Services within three months of the date of the decision and that this parking space be maintained.”

The meeting adjourned at 8:30 p.m.

R. Funnell  
Chair

K. E. Fairfull, ACST  
Secretary-Treasurer

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday, May 27, 2008 at 4:30 p.m. in Committee Room B, City Hall 59 Carden Street, with the following members present:

R. Funnell - Chair  
L. McNair – Vice Chair  
J. Andrews  
A. Clos  
P. Brimblecombe  
B. Birdsell  
D. Kelly

Staff Present: Gary Austin, Planner  
S. Wesley, Assistant Secretary-Treasurer

### Declarations of Pecuniary Interest

The Committee member A. Clos declared a pecuniary interest on Application A-54/08 for 82 Summit Ridge Drive as the applicant is a client of hers.

### Other Business

The Assistant Secretary-Treasurer distributed a request for a refund of the application fee for application A-53/08 for 25 Gosling Gardens to the committee members.

### Approval of Minutes

Moved by A. Clos and seconded by L. McNair ,

“THAT the Minutes from the May 13, 2008 Regular Meeting of the Committee of Adjustment, be approved, as amended.”

Carried.

**Application:** A-49 /08  
**Applicant:** Geosign Properties Inc.  
**Agent:** Robert Mullin, Smith Valeriotte  
**Location:** 829 Southgate Drive  
**In Attendance:** Robert Mullin, SmithValeriotte

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Mullin replied the notice sign was posted and comments were received from staff.

Mr. Mullin asked for a deferral of the application as they have been dealing with City staff and wish to amend the application and bring the application back at a future date.

**A-49/08**

Moved by L. McNair and seconded by A. Clos,

“THAT Application A-49/08 for Geosign Properties Inc. at 829 Southgate Drive, 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 application fee be paid prior to reconsideration of the application.”

Carried.

Having declared a pecuniary interest Committee member A. Clos left the meeting at this time.

**Application:**           **A-54 /08**  
**Applicant:**           **Fabbian Homes Inc.**  
**Agent:**               **Jason Fabbian**  
**Location:**           **82 Summit Ridge Drive**  
**In Attendance:**     **Jason Fabbian**

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Fabbian replied the notice sign was posted and comments were received from staff.

**A-54 /08**

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 J. Andrews and seconded by B. Birdsell,



“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 Sections 5.1.1 and 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for Lot 122, Registered Plan 61M125, municipally known as 82 Summit Ridge Drive, to permit a model home to operate within the building, occupying the garage space as a sales office and to permit the conversion of the off-street parking space within the garage to a sales office when the By-law does not permit a sales office in an R.1 zone and requires the off-street parking space to be located a minimum 6 metres (19.68 feet) from the streetline and to the rear of the main front wall of the building, be approved, subject to the following condition;

1. That the owner enters into an agreement registered on title prior to the use as a sales office, which requires that the sales office be restored to accommodate parking spaces within the attached garage, prior to the transfer of title to a subsequent owner or within 5 years of the issuance of the building permit, whichever occurs first.”

Carried.

Committee member A. Clos returned to the meeting.

**Application: B-18/08**

**Applicant: Michael and Carol Hadaway**

**Agent: Thomas Bartlett and Anne Trzcinski**

**Location: 139 Neeve Street and 141 Neeve Street**

**In Attendance: Thomas Bartlett and Anne Trzcinski**

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Bartlett and Ms Trzcinski replied the notice sign was posted and comments were received from staff.

Ms Trzcinski advised this application is to satisfy conditions of a previous application.

**B-18/08**

Having had regard to the matters that are to be had regard to 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 L. McNair and seconded by A. Clos,

“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 an easement over Part of Lot 107, Registered Plan 113, municipally known as 139 Neeve Street, a parcel with a frontage along Richardson Street of 0.61 metres (2 feet) and a depth of 9.2 metres (30.18 feet), in favour of Part of Lot 109 Registered Plan 113 municipally known as 141 Neeve Street for the maintenance of the accessory structure, be approved, subject to the following conditions;

1. That prior to endorstation of the deeds, the owner of 139 Neeve Street (dominant tenement), grants an easement approximately 0.61-metres (2.0 feet) by 9.20-metres (30.18 feet) in length registered on title, in favour of 141 Neeve Street (servient tenement) for the maintenance of the accessory structure.
2. That prior to endorstation of the deeds, the owner shall have a professional Engineer or Ontario Lands Surveyor prepare a Reference Plan registered on title showing the easement required for the maintenance of the accessory structure located on 141 Neeve Street.
3. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to May 30, 2009.
4. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
5. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
6. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.

Carried.

**Application:**           **A-53 /08**  
**Applicant:**           **Devinder Chatha**  
**Agent:**               **N/A**

**Location: 25 Gosling Gardens**

**In Attendance: Manjit Thabal**

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mrs. Thabal replied the notice sign was posted and comments were received from staff.

**A-53 /08**

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. Brimbelcombe and seconded by A. Clos,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 12 of Zoning By-law (1995)-14864, as amended, for Lot 8, Registered Plan 61M102, municipally known as 25 Gosling Gardens, to permit the driveway to have a width of 5 metres (16.4 feet) being 56% of the front yard, when the By-law permits a driveway width to be 55% [4.95 metres (16.2 feet)] of the front yard, be approved, subject to the following conditions;

1. That the overall width of the curb cut is not to exceed 5.0-metres (16.40 feet).
2. That a 0.6m (1.96 foot) landscaped strip be maintained between the right side property line and the driveway.”

Carried.

Moved by L. McNair and seconded by J. Andrews,

“THAT a refund of half the application fee paid for Application A-53/08 for 25 Gosling Gardens, in the amount of \$200.00, be approved.”

Carried.

**Application: A-51 /08**

**Applicant: Lois Bachuk**

**Agent: Robert Bachuk**

**Location: 104 Lemon Street**

**In Attendance: Robert Bachuk**

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Bachuk replied the notice sign was posted and comments were received from staff.

Mr. Bachuk bought the property with the 2<sup>nd</sup> driveway and wondered if the driveway was in existence prior to 1971.

The Chair R. Funnell advised having seen the driveway there was no way the driveway off Lemon Street would have been approved by the city at any time as it was too close to the intersection.

Mr. Bachuk questioned if they would be able to provide a driveway off Lemon Street at a future date and delete the driveway off Metcalfe Street.

The Chair R. Funnell advised he was not sure there was enough room to provide a driveway off Lemon Street and advised he should talk to City staff.

Mr. Bachuk questioned if he would be able to replace the boulevard himself.

The Chair R. Funnell advised he should speak to Engineering Services.

**A-51 /08**

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 Bill Birdsell and seconded by D. Kelly,

“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 5.1.2.7 of Zoning By-law (1995)-14864, as amended, for Lot 1, Registered Plan 405, municipally known as 104 Lemon Street, to permit the proposed 6.35 metre (20.83 foot) by 5.69 metre (18.66 foot) one storey addition to be setback 2.74 metres (9 feet) from the Metcalfe Street property line when the By-law requires a 4.45 metre (14.59 foot) setback from the Metcalfe Street property line, be approved subject to the following conditions;

1. Prior to the issuance of a building permit the owner shall remove and/or trim down the existing hedge to 0.80-metres (2.62 feet) in height that is located within the driveway sight line triangle, to the satisfaction of the Director of Community Design and Development Services.
2. The owner shall pay to the City the estimated cost associated with the removal of

the existing brick pavers from the boulevard (road allowance) and the reconstruction of the boulevard (road allowance) and replacing the brick pavers with topsoil and sod including the required curb fill, with the estimated cost of the works, as determined necessary by the City Engineer being paid, prior to the issuance of a building permit. Furthermore, the owner agrees to pay the actual cost of the removal and replacement of the existing brick pavers from the boulevard (road allowance) and the reconstruction of the boulevard (road allowance) and replacing the brick pavers with topsoil and sod including the required curb fill, and pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.

3. That the existing driveway at the intersection is removed and the City right-of-way restored, to the satisfaction of the Director of Community Design and Development Services, prior to the issuance of the building permit for the proposed addition.”

Carried.

**Application:** A-50 /08  
**Applicant:** Stephen and Kathryn Hodge  
**Agent:** N/A  
**Location:** 13 Meadowview Avenue  
**In Attendance:** Stephen and Kathryn Hodge

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. and Mrs. Hodge replied the notice sign was posted and comments were received from staff.

**A-50 /08**

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. Kelly and seconded by J. Andrews,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for Part Lot 20, Part Lot 19, Registered Plan

327, municipally known as 13 Meadowview Avenue, to permit the 5.33 metre by 6.71 metre (17.5 foot by 22 foot) one storey addition to be situate 0.88 metres (2.9 feet) from the left side lot line when the By-law requires a minimum side yard of 1.5 metres (4.92 feet), be approved, subject to the following condition;

1. That the proposed addition is limited to one storey in height.”

Carried.

**Application:** A-52 /08  
**Applicant:** Marie Chase and Stuart Wren  
**Agent:** N/A  
**Location:** 91 Farquhar Street  
**In Attendance:** Marie Chase and Stuart Wren  
Sev Peloso

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Ms Case replied the notice sign was posted and comments were received from staff.

Ms Case advised they are willing to comply with conditions that have been recommended by staff. She replied to the comment from the owner of 81 Farquhar Street regarding privacy and parking. She believed there is lots of parking in the area and is hoping to attract the local population and that they will walk to their establishment. She advised they were thinking removing the side patio for the privacy issued and only have the front patio. They are considering planting a privacy hedge along the property line of 81 and 91 Farquhar Street.

Committee member B. Birdsell questioned how many washrooms would be provided.

Ms Case answered there would be 2 washrooms as per the city standards.

The Chair R. Funnell questioned if they would be applying for a liquor licence.

Ms Case answered yes. Their idea is to serve only beer and wine. She commented they are looking to create a calming atmosphere similar to Einsteins

Mr. Peloso commented he loved the idea and commented that Einsteins is on a corner lot. He questioned about the residential units in the rear. He commented the street is a dead end street which could be a restriction. He commented that he was concerned about their investment.

Ms Case advised the property is in the CBD zone which is zoned to allow businesses.

The Planner, Mr. Austin advised the committee members that if the applicant was going to eliminate the side patio area that the number of persons allowed for the patio should be changed to 20 persons.

The Committee members agreed with the Mr. Austin's suggestion.

**A-52 /08**

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. Brimblecombe and seconded by J. Andrews ,

“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 Sections 4.17.1 and 4.13.4.2 of Zoning By-law (1995)-14864, as amended, for Part Lot 18, Registered Plan 8, municipally known as 91 Farquhar Street, to permit the outdoor patio to have a maximum capacity of 20 persons and to permit 0 off-street parking spaces when By-law requires that the total number of persons permitted on all outdoor patios associated with the restaurant or tavern shall not exceed 50% of the indoor licensed capacity, and the minimum off-street parking would be 1 parking space per 7.5 square metres (80.72 square feet) of gross floor area for the restaurant and 1 parking space per residential unit [5 off-street parking spaces required for the restaurant and 1 space for the residential unit] , be approved, subject to the following conditions;

1. The owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, building elevations, grading, drainage, servicing for the said lands and noise attenuation features, to the satisfaction of the Director of Community Design and Development Services and the City Engineer, prior to the use of the property for a restaurant and outdoor patio.
2. That the owner shall develop the property in accordance with the site plan approved under Section 41 of The Planning Act, within ninety (90) days from the date of site plan approval.
3. That no amplified music is permitted outside at any time.
4. That the hours of operation for the outdoor patio are limited to between 7:00 a.m. and 10:00 p.m.”

Carried.

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The meeting adjourned at 6:30 p.m.

R. Funnell  
Chair

Stephanie Wesley, ACST  
Assistant Secretary-Treasurer,  
Committee of Adjustment.



## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday June 10, 2008 at 4:30 p.m. in Council Committee Room C, City Hall, with the following members present:

R. Funnell, Chair  
A. Clos  
P. Brimblecombe  
B. Birdsell  
J. Andrews  
D. Kelly

Regrets: L. McNair

Staff Present: K. Fairfull, Secretary-Treasurer  
G. Austin, Planner

### Declarations of Pecuniary Interest

Committee member A. Clos declared a pecuniary interest for Application A-58/08 at 74 Vaughan Street as the applicant is a client.

### Approval of Minutes of Last Meeting

Moved by P. Brimblecombe and seconded by B. Birdsell,

“THAT the Minutes from the May 27, 2008 Regular Meeting of the Committee of Adjustment, be approved, as amended.”

Carried.

### Other Business

Secretary-Treasurer Kim Fairfull gave a brief presentation on the conference in North Bay. She asked Committee members to contact her if they wanted copies of the education material.

Chair R. Funnell and Committee member D. Kelly provided information on an informative session on the importance of providing reasons in Committee of Adjustment decisions. The Committee agreed to review the conference material and discuss the matter at an upcoming meeting.

Committee member A. Clos, having declared a pecuniary interest for the next application, left the room.

**Application:**           **A-58/08**

**Applicant:**           **Reid's Heritage Homes**

**Agent:**               **Paul Magahay**

**Location:**           **74 Vaughan Street**

**In Attendance:**   **Paul Magahay**  
                              **Susan and John Arnott**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Magahay replied the notice sign was posted and comments were received from staff. He noted the location of the building is the result of a construction error. He advised when they stake out the dwelling there are two off-sets and the front ones were incorrectly calculated. He advised that once this was discovered an application was filed with the Secretary-Treasurer.

Mr. Arnott explained they resided at 76 Vaughan Street which contains a small bungalow. He expressed concern about the application as the house being constructed is a large two storey house which causes shadowing when constructed closer to the street and has affect on enjoyment of their home.

Committee member B. Birdsell questioned how much further forward the house has been constructed from the front wall of 76 Vaughan.

Mr. Arnott replied the house is approximately 13" ahead of his main building wall.

Mrs. Arnott noted that the driveway could accommodate cars side by side and expressed concern it would block their view.

Committee member P. Brimblecombe questioned what the distance was from the property line to the sidewalk.

Mr. Magahay replied the distance is usually about 1.5 metres (5 feet) from property line to the sidewalk however he could confirm this at this time. He confirmed the driveway is clear of the abutting driveway sightline triangle.

Committee member J. Andrews questioned if the variance would infringe on the parking of vehicles on the property.

Planner G. Austin replied Planning staff's opinion is there is adequate space to park vehicles in the front yard.

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 J. Andrews and seconded by B. Birdsell,

“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 Section 4.13.2.1 and Table 5.1.2 – Row 6 of Zoning By-law (1995)-14864, as amended, for 74 Vaughan Street, to permit the existing dwelling and legal off-street parking space to be situate 5.65 metres (18.54 feet) from the front property line when the By-law requires the dwelling and off-street parking space be located a minimum distance of 6 meters (19.68 feet) from the property line, be approved.”

Reason for approval:

When considering the application the Committee determined that a 13” variance when considering the overall size of the lot and dimension of the house is minor in nature, does not obstruct the driveway sightline triangle and meets the tests for a minor variance.”

Carried.

Committee member A. Clos was summoned back to the room.

**Application: A-60/07**  
**Applicant: Cargill Insurance Brokers Ltd.**  
**Agent: Brian Cargill**  
**Location: 590 York Road**  
**In Attendance: Brian Cargill**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Cargill replied the notice sign was posted and comments were received from staff. He explained his long term plan is to demolish the dwelling and construct a medical centre there. He has a son who will be finished medical school and would like to establish a practice in Guelph after graduation. He expressed concern about the road widening dedication and need for a site plan to be submitted with his future plans for the property. He noted he is aware he will need to dedicate the road widening and apply for site plan approval at that time.

Chair R. Funnell questioned if the municipality would allow the use of the dedication until such time as the road is widened.

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Planner G. Austin replied the area would be grass and landscaped until the road is widened.

Committee member P. Brimblecombe questioned what the 17 foot strip is used for now.

Mr. Cargill replied the area is used for parking.

Committee member P. Brimblecombe questioned if staff are requesting landscaping in addition to the dedication of the road widening.

Planner G. Austin replied a 10 landscaped strip would be required adjacent to a parking area in addition to the road widening dedication.

Committee member A. Clos questioned if the applicant met with Engineering staff after deferral of the application.

Mr. Cargill replied he did speak with staff and was given direction that they wanted the widening and they were unsure of when the actual widening will occur.

Committee member D. Kelly questioned if the reason for the application is for an interim use before the medical clinic is constructed.

Mr. Cargill replied he is currently advertising the office space for lease as the last tenant has moved out and he hopes to continue leasing the rear portion of the property to Bob's Towing.

Chair R. Funnell questioned what the time frame was on redevelopment of the site.

Mr. Cargill replied he anticipates occupancy within two years.

Committee member P. Brimblecombe questioned if staff have reviewed any plans for redevelopment of this parcel.

Planner G. Austin replied he has not received.

Committee member A. Clos questioned what staff wants to review in the site plan for the existing property.

Planner G. Austin replied there is office use being proposed for the building and staff would like to see improvements on the property such as the required parking being identified. He cautioned the application that a site plan will be required prior to any redevelopment of the site.

Mr. Cargill replied he is aware of the requirement for site plan and road widening dedication at the time of redevelopment of the site.

Committee member A. Clos questioned if the Committee has the authority to request a road widening dedication can be obtained as a condition of minor variance. She noted when the site is redeveloped a road widening and site plan will be a requirement.

Mr. Cargill noted his solicitor provided an opinion that they had to convey the road widening dedication.

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 A. Clos and seconded P. Brimblecombe,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 6.4.3.2.10.1 of Zoning By-law (1995)-14864, as amended, for 590 York Road, to permit a 167.23 square metre (1,800 square foot) office and a fenced storage facility when the By-law permits: commercial entertainment, hotel, recreation centre, repair service, restaurant, restaurant (take-out), vehicle sales establishment and one apartment unit, be approved.”

Carried.

**Application: A-55/08**  
**Applicant: Bernard and Claire Landry**  
**Agent: Bernard and Claire Landry**  
**Location: 33 Oakridge Crescent**  
**In Attendance: Bernard and Claire Landry**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Landry replied the notice sign was posted and comments were received from staff.

There were no questions from the Committee.

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 J. Andrews and seconded by P. Brimblecombe,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, for 33 Oakridge Crescent, to permit an existing 1.98 metre (6.5 foot) high wooden fence situate 2 metres (6.56 feet) behind the front wall of the dwelling, extending from the dwelling wall to and along the exterior side lot line to the rear lot line, be approved.

Reason for approval being:

The variance is minor in nature and meets the tests in Section 45 of the Planning Act.”

Carried.

**Application: A-56/08**  
**Applicant: Marie Clancy**  
**Agent: Mr. Nicholson**  
**Location: 67 Mountford Drive**  
**In Attendance: Mr. Nicholson**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Nicholson replied the notice sign was posted and comments were received from staff. He agreed with the recommendation from Engineering Services the garage be limited to a width of 13.5 feet.

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. Kelly and seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 – Row 7 of Zoning By-law (1995)-14864, as amended, for 67 Mountford Drive, to permit a 4.26 metre by 6.71 metre (14 foot by 22 foot) attached garage which will be situate 0.61 metres (2 feet) from the right side property line when the By-law requires a minimum side yard of 1.2 metres (3.93 feet, be approved, subject to the following condition:

1. That the garage addition be limited to 13.5 feet (4.11 metres) in width.”

Carried.

**Application:**        **A-61/08**  
**Applicant:**         **Paul Hettinga**  
**Agent:**             **Paul Hettinga**  
**Location:**         **14 Cambridge Street**  
**In Attendance:**    **Paul Hettinga**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Hettinga replied the notice sign was posted and comments were received from staff.

Chair R. Funnell noted the staff comments reflect the stairs are encroaching on the neighbouring property.

Mr. Hettinga replied the stairs to encroach on the neighbour's property. He explained the Committee of Adjustment approved a 0.2 metre side yard in 1996 and the stairs were constructed using the sidewalk as limit of the property. He advised a recent survey plan was completed and they discovered the sidewalk is over the property line by .02 metres. He explained if he removes .04 metres the width of the stairs will not comply with the Ontario Building Code as the stairway will be 28 ¾ inches and 2' 11" is required by Code.

Committee member B. Birdsell noted a 2" sideyard could be maintained and meet the requirements of the Ontario Building Code.

Mr. Hettinga replied the railing has 1 ½ inch pickets which would have to be changed to provide the recommended clearance.

Committee member A. Clos questioned if a development application necessitated the application being submitted.

Mr. Hettinga replied there is a coach house to the rear of the property which has recently received zoning approval and the site plan has been submitted and approved by Planning Staff. He noted one of the conditions of removal of the Holding provision is to obtain a minor variance for the location of the existing stairs.

Planner G. Austin noted the site plan is approved however they have to develop the site in accordance with the approved plan in order to get the Holding provision removed from the zoning.

Mr. Hettinga explained he would prefer 0 clearance and he would proceed to cut the stairs back to the property line.

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. Brimblecombe and seconded by A. Clos,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7 – Row 5 of Zoning By-law (1995)-14864, as amended, for 14 Cambridge Street, to permit the unenclosed wooden stairway (fire escape) in the left side yard to be situate 0 metres from the side lot line when the By-law requires a maximum projection of 1.2 metres (3.93 feet) into the required yard and a minimum setback of 0.8 metres (2.62 feet) from the side lot line, be approved, subject to the following condition:

1. That the encroachment be removed within 6 months of the Committee’s decision.”

Carried.

**Application:** A-57/08  
**Applicant:** Andrew Mulder  
**Agent:** Andrew Mulder  
**Location:** 207 Ferguson Street  
**In Attendance:** Andrew Mulder  
Richard Shaddick  
John Ridler

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Mulder replied the notice sign was posted and comments were received from staff.

Mr. Shaddick who resides at 209 Ferguson Street expressed concern about the proposed parking in front of the building as it will cause site line problems and will result in difficulties with snow removal on the sidewalk. He noted he had no objection to constructing the deck to the lot line however his foundation is constructed with cinder block and he has concern about the effect the construction will have on his foundation.

Mr. Ridler who resides at 205 Ferguson Street noted the proposed parking area is adjacent to his driveway. He explained the parking of a vehicle in this area would make it difficult to back out of his driveway and any vehicle would consistently encroach onto the City sidewalk.



Committee member B. Birdsell questioned if they would have any objection to keeping the posts supporting the deck 2 feet from the property line and cantilever the deck over 2 feet to side of the addition.

Mr. Mulder replied he does not intend to attach the deck to the addition. He circulated the building permit drawings which identified the footings back 2 feet back from the addition. He further noted there are stairs at the back of the deck which will keep any activity on the deck closer to the unit.

### Decision 1 of 2

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 B. Birdsell and seconded by P. Brimblecombe,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7 – Row 2 of Zoning By-law (1995)-14864, as amended, for 207 Ferguson Street, to construct a 3.96 metre by 4.8 metre (13 foot by 16 foot) deck with a height of 1.52 metres (5 feet) to the rear of the semi-detached unit and situate 0 metres from the left side lot line when the By-law requires a minimum clearance of 0.6 metres (1.96 feet), be approved, subject to the following conditions:

1. That the deck not be attached to the wall of 209 Ferguson Street.
2. That any supporting post be located approximately 2 feet away from the foundation of 209 Ferguson Street.
3. That a building permit be obtained for the construction of the deck.”

Carried.

### Decision 2 of 2

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. Brimblecombe and seconded by D. Kelly,

“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., 4.13.3.2.3 and Table 5.1.2 – Row 12 of Zoning By-law (1995)-14864,

as amended, for 207 Ferguson Street, to create an off-street parking space in the Ferguson Street setback area requiring variances, to permit the off-street parking space to have a depth of 3.2 metres (10.5 feet) and be located ahead of the main front wall of the building when the By-law requires the off-street parking space have a minimum depth of 5.5 metres (18 feet) and be located to the rear of the front wall of the main building, and to permit no landscaped strip along the right side lot line adjacent to the proposed parking space when the by-law requires a 0.6 metre (1.96 foot) landscaped strip be provided along the right side lot line adjacent to the parking space,

be refused.

Reasons for refusal of the application being:

The off-street parking space would encroach on City property and is a site line hazard.

The off-street parking variance does not meet the intent and purpose of the By-law and would pose serious safety concerns.”

Carried.

**Applications: B-19/08, A-59/08 and A-60/08**

**Applicant: Anthony and Iris Harman**

**Agent: Ian Robinson**

**Location: 237 Liverpool Street**

**In Attendance: Ian Robinson  
Marc Bubel  
Sara Fogler  
Antonio Roti  
Carolyn Meili**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Robinson replied the notice sign was posted and comments were received from staff. He outlined the proposal for information of the Committee and neighbours. He explained the proposed lot sizes are consistent with development in the area and meets the intent of Places to Grow and the Official Plan. He assured the Committee and neighbours the house design will be compatible with development in the area as the recommendations from staff are requesting approval of the building elevations prior to building permit issuance. He noted the lot will be sold and developed as a residential dwelling which will not impact traffic in the area. He further addressed the concerns of the written correspondence from the neighbours with respect to the trees on the site by

stating a tree saving plan is required to be completed prior to any development of the property. He noted Engineering Services staff has requested the mature hedge be removed prior to deed endorsement. He questioned if the Committee could consider the hedge remaining until a building permit is applied for as the current owner will not be developing the parcel.

In response to a question from Chair R. Funnell, Mr. Robinson replied the hedge was 4 feet high.

Sara Fogler explained she resided at the corner of Liverpool and Glasgow Street. She expressed concern the neighbours would not be involved in the design of the dwelling. She wanted assurance the proposed development would fit with current neighbourhood development. She noted the recommendations from Planning staff do not go far enough to address the concerns of the neighbours.

Carolyn Meili explained she resided at 269 Liverpool Street. She expressed concern the development will result in crowding along Liverpool Street and would result in a retained parcel which is not functional.

Marc Bubel explained he resided at 223 Liverpool Street. He expressed concern about the possible crowding of development along the street and the increased number of cars will add congestion and reduce safety on the street.

Antonio Roti explained he resided at 245 Liverpool Street and explained he enjoyed the amount of greenery around the house. He expressed concern about the number of cars the severance will generate. He questioned if the neighbours could be incorporated in the approval of the house design for the property. He noted some developers are sensitive to the character of the neighbourhood and he wanted assurance the development will blend with the neighbourhood. He further noted the current hedge is very dangerous and disrupts their line of site when they exit their driveway.

In response to concerns from the neighbours Mr. Robinson identified provincial and municipal policies in place to encourage infilling to discourage urban sprawl. He noted the municipality will be responsible for approving the design of the dwelling which will be compatible with the surrounding neighbourhood. He noted staff recommended a variance to the side yard in order to allow more design options for the new dwelling.

Committee member P. Brimblecombe noted he cannot support any delay on the removal of the hedge on the severed parcel.

Mr. Robinson replied the owners are trying to minimize their costs and pass any expenses to that is purchasing the property.

Committee member D. Kelly questioned what the reasoning was behind the proposed setback of the new dwelling.

Mr. Robinson replied the setback requirement is the average of abutting properties. He explained 237 Liverpool Street is setback 1.5 metres and 245 Liverpool is setback 4.71 metres to the porch.

Mr. Roti questioned if the driveway location has been finalized. He questioned if the applicant could consider placing the driveway adjacent to his property at 245 Liverpool Street to provide a greater separation to the building wall.

Mr. Robinson replied the recommendation before the Committee was the result of preconsultation with staff. He noted the plan is only illustrating that a driveway can be provided on the site. He noted the location of the driveway may be determined after the tree saving plan is completed.

Planner G. Austin noted the Committee does have authority to include design criteria for a dwelling.

Committee member D. Kelly supported this recommendation as she would like a framework provided what the municipality will be requiring when the building designs are submitted..

Committee member A. Clos questioned if the applicant would have any concerns with limiting the height of the dwelling and requiring a front porch be incorporated into the house design.

Mr. Robinson replied he would have no objection to the recommendations.

#### Application Number B-19/08

Having had regard to the matters that are to be had regard to 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 J. Andrews and seconded by B. Birdsell,

“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 Lot 4, Registered Plan 29, to be known municipally as 239 Liverpool Street, a parcel with a frontage along Liverpool Street of 12.17 metres (39.92 feet) and a depth of 32.106 metres (105.33 feet), be approved, subject to the following conditions:

1. That the applicant pays the watermain frontage charge of \$8.00 per foot of frontage for 39.92-feet (12.17 metres), prior to endorsation of the deeds.
2. That the applicant pays the sanitary sewer frontage charge of \$11.00 per foot of frontage for 39.92-feet (12.17 metres), prior to endorsation of the deeds.
3. That the owner pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2004)-17361, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper

- Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to the issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
4. The owner applies for sanitary and water laterals and pays the rate in effect at the time of application including the cost of any curb cuts or fills required, prior to the issuance of a building permit.
  5. That the owner shall apply to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of the existing roofed porch, concrete columns and wood posts, wood steps and roof eaves, prior to endorsement of the deeds.
  6. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsement of the deeds.
  7. That the owner constructs the new dwelling at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
  8. That the owner shall pay for the actual cost of the construction of the new driveway entrance and the required curb cuts and fills, with the estimated cost of the works, as determined necessary by the City Engineer being paid, prior to the issuance of a building permit. Furthermore, the owner agrees to pay for the actual cost of the construction of the new driveway entrance and the required curb cuts and fills and pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
  9. That the owner shall pay all of the costs associated with the removal of the existing hedge from the road allowance and driveway sight line triangles, prior to endorsement of the deeds.
  10. That prior to the issuance of a building permit, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
  11. That the owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the new dwelling, prior to the issuance of a building permit.
  12. That the elevation and design for the new dwelling on the severed parcel be consistent with the sketches provided by staff and the requirement of the Committee for a front roofed porch, a maximum building height of 9 metres (measured to the mid point of the sloped portion of the roof) and driveway

location on the west side of the lot (pending results of the tree study) and be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwelling.

13. That a site plan be prepared for the severed parcel indicating:

- a) The location and design of the new dwelling indicating a setback consistent with the average setback of the adjacent properties;
- b) A building design incorporating a front roofed porch;
- c) A maximum building height of 9 metres (measured to the mid point of the sloped portion of the roof);
- d) The location and extent of driveway and legal off-street parking space for the new dwelling with a preferred driveway location on the west side of the lot (pending results of the tree study), and,
- e) Grading, drainage and servicing information as required by the City Engineer.

All of the above to be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwelling.

14. That the applicant shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsement of the deeds, at the rate in effect at the time of the endorsement.

15. That a tree inventory and tree saving plan is submitted to and satisfactory to the Director of Community Design and Development Services, prior to the removal of any trees on the severed and retained lots and prior to the issuance of the building permit for the new dwelling.

16. That prior to issuance of a building permit, the applicants make arrangements for provision of hydro servicing to the severed parcel, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.

17. That prior to endorsement of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the City Engineer and the Director of Community Design and Development Services, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.

18. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to prior to June 13, 2009.

19. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
20. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
21. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number A-59/08

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 J. Andrews and seconded by B. Birdsell

“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 Section 5.1.2.6. and Table 5.1.2 – Row 3 and Row 4 of Zoning By-law (1995)-14864, as amended, for 237 Liverpool Street, to permit the retained parcel from severance Application B-19/08,

5. to have a lot frontage of 13.064 metres (42.86 feet) when the By-law requires for properties located in Defined Area Map 66, the minimum lot frontage be the average of the lot frontages established within the same City Block Face and not greater than 15 metres (49.21 feet), and,
6. to permit a lot area of 419 square metres (4,510 square feet) when the By-law requires a minimum lot area of 460 square metres (4,951.39 square feet),

be approved, subject to the following condition:

1. That the conditions imposed for Application B-19/08 be and form part of this approval.”

Carried.

Application Number A-60/08

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 J. Andrews and seconded by B. Birdsell

“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 Section 5.1.2.6. and Table 5.1.2 – Row 3, Row 4 and Row 7 of Zoning By-law (1995)-14864, as amended, for 239 Liverpool Street, to permit the severed parcel from severance Application B-19/08,

- a) to have a lot frontage of 12.17 metres (39.92 feet) when the By-law requires for properties located in Defined Area Map 66, the minimum lot frontage be the average of the lot frontages established within the same City Block Face and not greater than 15 metres (49.21 feet),
- b) to permit a lot area of 391 square metres (4,208.68 square feet) when the By-law requires a minimum lot area of 460 square metres (4,951.39 square feet), and,
- c) to permit the proposed dwelling to have a left and right side yard of 1.12 metres (3.93 feet) when the By-law requires a minimum side yard of 1.5 metres (4.92 feet),

be approved, subject to the following condition:

1. That the conditions imposed for Application B-19/08 be and form part of this approval.”

Carried.

The meeting adjourned at 8:15 p.m.

R. Funnell  
Chair

K. E. Fairfull, ACST  
Secretary-Treasurer



**Committee of Adjustment**  
Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday July 8, 2008 at 5:00 p.m., with the following members present:

R. Funnell, Chair  
L. McNair  
J. Andrews  
A. Clos  
D. Kelly  
B. Birdsell

Regrets: P. Brimblecombe

Staff Present: K. Nasswetter, Planner  
S. Laughlin, Planner  
K. Fairfull, Secretary-Treasurer

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Minutes from Last Meeting

Moved by A. Clos and seconded by D. Kelly,

“That the Minutes from the June 10, 2008 Regular Meeting of the Committee of Adjustment, be approved, as amended.”

Carried.

The Secretary-Treasurer advised the Minutes of Settlement were circulated for Application A-121/07 at 154 Dublin Street, North.

The Secretary-Treasurer advised staff had received a request from an applicant for a special meeting of the Committee. The Committee agreed to meet on July 22<sup>nd</sup> at 4:00 p.m. to consider the application.

**Application:** B-20/08  
**Applicant:** Capital One Ventures Inc.  
**Agent:** John Valeriote, Smith, Valeriote  
**Location:** 70 and 80 Southgate Drive  
**In Attendance:** John Valeriote

**Rick Dejong**  
**James Nagy**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Valeriotte replied the notice sign was posted and comments were received from staff. He explained there currently is a building on the property at 80 Southgate Drive and a building is currently under construction at 70 Southgate Drive. He noted the approved site plan has identified shared servicing and access for the properties which are identified in the application. He questioned if the Committee could consider additional subterranean storm water management easements which will be required. He identified the areas required on a plan submitted.

Committee member A. Clos questioned if the easements were to the benefit of the municipality or each property owner.

Mr. Valeriotte replied the easements would be to the benefit of each property.

The Committee discussed the request and noted no property owners appeared before the Committee with concern about the application. It was further noted the storm water easements are to the benefit of each other and will require final approval from the municipality respecting size and location.

Having had regard to the matters that are to be had regard to 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 L. McNair and seconded by J. Andrews,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended,

- a) consent for severance of Part of Lot 8, Registered Plan 680, being Parts 1 and 4, Reference Plan 61R-10656, known municipally as 80 Southgate Drive, a parcel with a frontage along Southgate Drive of 66.58 metres and a depth of 150 metres,
- b) subject to a right-of-way and easement over Part 4, Reference Plan 61R-10656 in favour of 70 Southgate Drive,
- c) together with a right-of-way and easement over Part 3, Reference Plan 61R-10656, municipally known as 70 Southgate Drive,
- d) subject to an easement over Parts 1 and 2 on a draft Reference Plan (Project No. 08-7783) prepared by Black, Shoemaker, Robinson & Donaldson Limited, dated July 7, 2008 for storm water management,
- e) together with an easement over Parts 3 and 4 on a draft Reference Plan (Project No. 08-7783) prepared by Black, Shoemaker, Robinson & Donaldson Limited, dated July 7, 2008 for storm water management,

be approved, subject to the following conditions:

1. That the owner of the severed parcel (80 Southgate Drive, Parts 1 and 4, on Reference Plan 61R-10656), grants a 4.140-metre to 5.542-metre wide by 126.292-metre long right-of-way, shown as Part 4, on Reference Plan 61R-10656), registered on title, in favour of the retained parcel (70 Southgate Drive, Parts 2 and 3, on Reference Plan 61R-10656) for ingress and egress.
2. That the owner of the severed parcel (80 Southgate Drive, Parts 1 and 4, on Reference Plan 61R-10656), grants a 4.140-metre to 5.542-metre wide by 126.292-metre long easement, shown as Part 4, on Reference Plan 61R-10656), registered on title, in favour of the retained parcel (70 Southgate Drive, Parts 2 and 3, on Reference Plan 61R-10656) for servicing.
3. That easements for storm water management facilities be provided with the size and location being to the satisfaction of the City Engineer.
4. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to July 11, 2009.
5. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
6. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
7. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk.”

Carried.

**Application:**           **A-49/08**  
**Applicant:**           **Geosign Properties Inc.**  
**Agent:**               **Robert Mullin, Smith, Valeriote**

**Location: 829 Southgate Drive**

**In Attendance: Robert Mullin  
John Cox**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Mullin replied the notice sign was posted and comments were received from staff.

Committee member D. Kelly questioned how many leasable units are anticipated.

Mr. Cox replied staff and the owner are comfortable with a limit of 3 units because of the configuration of the building.

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. McNair and seconded by A. Clos,

“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 7.1.1 of Zoning By-law (1995)-14864, as amended, for 829 Southgate Drive, to permit more than one unit within an existing industrial building with office permitted as a primary use, be approved, subject to the following condition:

1. That the industrial mall is limited to a maximum of 3 leasable units.”

Carried.

**Application: A-63/08**

**Applicant: Tharan Kandasamy**

**Agent: Tom Vanle; Vanle Architect Inc.**

**Location: 768 York Road**

**In Attendance: Tom Vanle  
Vhajoa Subra  
Kandasamy Dhaabaloganathan  
Thusenth Dhaabaloganathan  
Harry Blinkhorn  
James Reinhart**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Vanle replied the notice sign was posted and comments were received from staff. He advised the Notice is clear what relief they are seeking from the requirements of the By-law and they have no objection to the recommendations from staff.

Mr. Reinhart who resided at 780 York Road explained he resided adjacent to the property. He expressed concerns about the noise which would be generated from the outdoor patio.

Harry Blinkhorn explained he represented the owner of the abutting property at 780 York Road which is Guelph Non-Profit Housing. He advised he wanted to see if any tenants had a concern as they had not been approached.

Committee member Al Clos questioned if the applicant had contacted Grand River Conservation Authority about the proposal.

Mr. Vanle replied they have telephoned Grand River Conservation Authority to obtain more information and have not received a call back on the application.

Committee member L. McNair questioned if they had any objection that no outdoor music or loudspeaker system be permitted on the patio.

Mr. Vanle replied they are willing to comply with City of Guelph By-laws with respect to the operation of the patio. He noted the By-law stipulates they must close the patio at 12:01 a.m.

Chair R. Funnell noted any noise from the patio would be enforced through the Noise Control By-law.

In consultation with the applicant and the Committee, Mr. Reinhart was in agreement to no serving of alcohol beyond 11:00 p.m. and closing 11:00 p.m. with respect to the patio.

Committee member A. Clos expressed concern about imposing conditions related to a liquor license and not a zoning variance.

Mr. Vanle noted the operation of the patio with respect to the serving of alcohol will be regulated by the liquor licence board.

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 A. Clos and seconded by L. McNair,

“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 4.17.2.1 and Table 6.4.2 – Row 4 of Zoning By-law (1995)-14864, as amended, for 768 York Road, to construct a 287.06 square metre (3,089.89 square foot) building for a restaurant which will include an outdoor patio, and to permit the building to be situate 3 metres (9.84 feet) from the Cityview Drive property line when the By-law requires a minimum setback of 6 metres (19.68 feet) from the Cityview Drive property line and to permit at 60 square metre outdoor patio to the front of the building when the By-law requires that no outdoor patio shall be permitted where more than 1 lot line adjoins lands which are in a residential zone, be approved, subject to the following conditions:

1. That the owner receives approval from the City for a site plan under Section 41 of the Planning Act, prior to the issuance of a building permit. Furthermore, the owner shall develop the property in accordance with the approved site plan.
2. That the owner deeds to the City free of all encumbrances a parcel of land 5.182-metres (17.0 feet) wide, as shown in red on the applicants site plan for a road widening across the entire frontage of 768 York Road, prior to site plan approval.
3. That prior to the issuance of a building permit, the owner shall pay to the City its share of the actual cost of constructing the existing 400mm watermain on York Road across the frontage of the said lands as determined necessary by the City Engineer.
4. That prior to the issuance of a building permit, the owner shall pay to the City its share of the actual cost of constructing the roadworks on York Road across the frontage of the said lands as determined necessary by the City Engineer.
5. That the owner applies for sanitary and water laterals if required and pays the rate in effect at the time of application, prior to the issuance of a building permit.
6. That the owner shall pay the actual cost of the construction of the new driveway entrance including the driveway culverts and retaining walls, with the estimated cost of the works as determined necessary by the City Engineer being paid, prior to the issuance of a building permit.
7. That the owner shall pay the actual costs associated with the removal of the existing driveways, culverts and retaining walls and the reconstruction of the disturbed areas and road side ditches and replacing it with topsoil and sod, with the estimated cost of the works as determined necessary by the City Engineer being paid, prior to the issuance of a building permit.

8. That the owner shall pay the entire cost associated with the removal of the existing base and restaurant sign from the proposed new road allowance, prior to the issuance of a building permit.
9. That the owner pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2004)-17361, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
10. Prior to the issuance of a building permit, the owner shall have a Professional Engineer design a grading plan and storm water management system for the site, satisfactory to the City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system and that the storm water management system was built as it was approved by the City and that it is functioning properly.
11. The owner shall grade, develop and maintain the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the City Engineer.
12. That the owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the severed lands, prior to the issuance of a building permit.
13. That the outdoor patio have restricted hours of operation (closed at 11:00 p.m.).
14. That the applicant consult with Grand River Conservation Authority to determine if a permit will be required from the Authority, prior to submission of a site plan to the City.
15. That prior to site plan approval, the owner shall enter into a Site Plan Control Agreement with the City, registered on title, satisfactory to the City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.

Carried.

**Application: A-36/08**

**Applicant: Adelio Pereira**

**Agent:** Alvin Brown

**Location:** 15 Holland Crescent

**In Attendance:** Adelio Pereira  
Alvin Brown  
Rick and Shelley Campbell  
Mr. Campbell  
Tom Henderson

Chair R. Funnell explained he contacted a representative from Engineering Services about their concern a large amount of rainwater could accumulate in the stairwell and cause property damage. He noted the Committee should consider an agreement be registered on title holding the City save harmless if any damage should occur in the future.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Brown replied the notice sign was posted and comments were received at the meeting. He advised he met with staff after deferral of the application to address the concerns respecting the swale. He advised the proposal was amended to provide further clearance from the property line and the entrance will be constructed 2 feet below grade.

Tom Henderson questioned if the stairwell will have a gate at the top to deter children from falling down the stairs.

Chair R. Funnell noted the construction will require a building permit.

Mr. Brown explained they plan to construct a fence along the lot line.

Mr. Campbell explained he resides at 17 Holland Crescent. He noted the applicant had not met with them since deferral of the application despite the recommendation they discuss the application. He expressed concerns the proposed construction and its affect on the drainage. He noted there is a great deal of water between the two buildings and the construction will aggravate the problem. He provided additional concerns related to snow removal, the location of the stairwell relative to his gas line.

Ms. Shelly Campbell explained the applicant is proposal to add an accessory apartment which requires the side entrance.

Committee member D. Kelly advised the Committee she will not be supporting the variance as it will result in a negative impact for the neighbour.

Committee member B. Birdsell suggested Engineering staff could review the condition of the swale prior to commencing any work and assurance should be obtained the condition of the swale is restored after completion of the work.



In response to questions from the Committee both the applicant and Mr. Campbell assured the Committee they had received release from the subdivision grading and drainage 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 B. Birdsell and seconded by L. McNair,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7-Row 1 of Zoning By-law (1995)-14864, as amended, for 15 Holland Crescent, to permit an exterior basement stair to be situate 0.28 metres (.92 feet) from the left side lot line when the By-law requires an uncovered porch not more than 1.2 metres (4 feet) above finished grade be setback a minimum of 0.6 metres (1.96 feet) from the side lot line, be approved, subject to the following conditions:

1. That the proposed exterior basement stairs and retaining wall be constructed in accordance with the applicant’s site plan (revised May 28, 2008).
2. That the applicant enters into a save harmless agreement satisfactory with the City Solicitor, prior to issuance of a building permit.
3. That the swale be maintained to the City’s satisfaction within 2 months of construction of the stairwell.
4. The applicant apply for a building permit for the proposed work which will include a condition for a railing if deemed required by the Building Department.”

Carried.

**Application:** A-62/08  
**Applicant:** Joe Frank and Katie Hohenadel  
**Agent:** Joe Frank  
**Location:** 74 Inkerman Street  
**In Attendance:** Joe Frank

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Frank replied the notice sign was posted and comments were received from staff. He explained the structure will be result in an improvement to the property and will contribute to the overall appearance of the street. He submitted design features of the property and noted the open railing will not interfere with sightlines.

Committee member B. Birdsell questioned how high above grade the porch would be.

Mr. Frank replied the front door will be about 8” from the ground.

Committee member L. McNair questioned if the applicant will consider providing clearance from the front lot line which would lesson the changes of any encroachment on the City’s road allowance.

Mr. Frank agreed to ensure the proposed porch be located 0.05 metres (2”) from the front lot line.

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. McNair and seconded by,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7 – Row 3 and Section 4.7.4 of Zoning By-law (1995)-14864, as amended for 74 Inkerman Street, to construct an opened roofed porch to the front of the dwelling and,

- a) to permit a maximum projection of 2.49 metres (8.18 feet) into the required front yard when the By-law permits a maximum projection of 2.4 metres (7.87 feet) into the required yard,
- b) to permit the porch to be situate 0.05 metres (2 inches) from the front lot line when the By-law requires a minimum setback of 2 metres (6.56 feet) from the front lot line and
- c) to permit the roofed porch to be situate 0.95 metres (3.13 feet) from the left side lot line when the By-law requires the porch be setback a minimum of 1.5 metres (4.92 feet) from the side lot line,

be approved, subject to the following condition:

1. That the Owner applies to the City Solicitor for an encroachment agreement, and obtains approval for the encroachment, if any part of the porch is constructed on the City road allowance, within 90 days of the open roofed porch being constructed.”

Carried.

**Application:**           **A-64/08**

**Applicant:**           **David and Lynne Schmidt**

**Agent:**               **David and Lynne Schmidt**

**Location:**           **215 Delhi Street**

**In Attendance:**      **David and Lynne Schmidt**  
                          **Warren and Shirley Bignell**  
                          **Corinne Regos**  
                          **Dave and Lynn Schmidt**  
                          **Gary and Betty Ann Lazzari**  
                          **Dave Cameron**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Schmidt replied the notice sign was posted and comments were received from staff. He distributed an updated building elevation of the proposed garage along with a petition from neighbours in support of the application. He explained some neighbours were concerned about the application because they were told their property values would decline and rumours circulated he would be putting oil down the drain of the garage. In response to those concerns, he explained he recycles all his oil and spoke to two real estate agents about the proposal and was assured the garage would not lower any property values. He advised another concern he heard was he will open a commercial garage because he proposes to install a lift in the garage. He noted he needs a 12 foot interior clearance to work on his vehicle and for storage as they do not have a basement. He noted he does not plan to install a driveway back to the garage and it will only be used for occasional work on his vehicle and his own motorcycles.

Betty Ann Lazzari from 213 Delhi Street expressed concern about a two storey structure in the rear yard. She noted Delhi Street is busy and residents have to use the area to the rear yard for amenity area and the garage structure will interfere with the open space in the rear yards.

Gary Lazzari expressed concern this will open up permission for other buildings being constructed in rear yards. He noted his concern relates to the opportunity to establish a business in the building as the owner works on engines as a career.

Warren Bignell resides at 221 Delhi Street. He submitted his concerns in writing to the Committee and summarized his concern related to the proposed garage. His concerns related to the open park like setting in the existing rear yards and the need for the height variances considering the proposed size of the building. He advised the proposed garage would be similar to the size of their existing dwelling. He expressed concern the size and proposed plumbing to be installed in the building would lead to the opportunity to convert the building into another dwelling unit.

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Correen Regos resides at 84 Emma Street. She expressed concern the garage would lead to motorcycle repair and the possible noise related to the operation.

Dave Cameron resides at 80 Emma Street. He expressed concern about enforcement if a business is established in the proposed building.

Committee member J. Andrews requested explanation of the By-law regulations related to a business or occupancy of the accessory building.

Planner K. Nasswetter replied no human habitation or home occupation is permitted in an accessory building.

Committee member D. Kelly questioned if a hoist and oil trap would be permitted in a residential garage.

Planner K. Nasswetter replied she cannot see any reason why the applicant could not put a hoist or oil trap in the garage unless there was a safety or environmental issue.

Committee member B. Birdsell noted he has personally designed garage with a hoist. He noted the collection of oil has to meet Ministry of Environment regulations.

Committee member L. McNair noted there are homes being built today with a lift inside of the garage to allow two cars.

Committee member B. Birdsell noted the existing shed is quite old. He questioned if the applicant would consider removing the structure.

Mr. Schmidt replied the shed has never caused any problems and is currently used by his wife. He would have no objection to removing the building if the Committee deems necessary.

Committee member L. McNair noted if the existing shed was removed the applicant would not require variances to the accessory building location of the variance for coverage.

Mr. Schmidt agreed to remove the existing garden shed.

In response to a question from Betty Ann Lazzari if the garage could be located on other side of the property, Mr. Schmidt advised it would result in the removal of mature trees.

Committee member L. McNair questioned if the applicant would consider moving the structure 4 feet from the lot line.

Committee member B. Birdsell noted that when he walked the property it appeared moving the building may interfere with the apple trees on the site.

Committee member A. Clos questioned if the same building height could be obtained with a different roof design.

Chair R. Funnell noted the same total building height may be maintained with a pitched roof rather than a mansard roof.

Committee member B. Birdsell questioned if a three piece washroom was necessary. He noted this could set it up for a dwelling unit. He questioned if the applicant if he was willing to remove the shower.

Mr. Schmidt replied he would be willing to remove the shower. He further noted he would be willing to withdraw his request for 0 metre variance for the existing shed and the lot coverage variance.

### Decision 1 of 2

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 B. Birdsell and seconded by L. McNair,

“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 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for 215 Delhi Street, to permit a 9.75 metre by 7.32 metre (32 foot by 24 foot) garage/workshop to have a height of 4.22 metres (13.83 feet) [ measured to the mid point between the eave and the ridge] when the By-law requires a maximum height for an accessory building of 3.6 metres (11.81 feet), be approved, subject to the following condition:

1. That all of any portion of the accessory structure not be used as habitable space or for a home occupation of business.”

Carried.

### Decision 2 of 2

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. McNair and seconded by B. Birdsell,

“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 4.5.1.2 and 4.5.4 of Zoning By-law (1995)-14864, as amended, for 215 Delhi Street, to permit an existing 2.44 metre by 3.66 metre (8 foot by 12 foot) garden

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shed in the rear yard to be situate 0 metres from the left side lot line when the By-law requires that accessory buildings or structures be located a minimum of 0.6 metres (1.96 feet) from any lot line and to permit a total lot coverage of 11% of the total lot area (with a proposed new accessory building) when the By-law requires that accessory buildings or structures occupy a maximum of 10% of the lot area, be refused.”

Carried.

The meeting adjourned at 7:35 p.m.

R. Funnell  
Chair

K. E. Fairfull  
Secretary-Treasurer

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held a Special Meeting on Tuesday, July 22, 2008 at 4:00 p.m. in Building Committee Room A, 2 Wyndham Street North, 2<sup>nd</sup> Floor with the following members present:

L. McNair – Vice Chair  
A. Clos  
B. Birdsell

Regrets: P. Brimblecombe  
J. Andrews  
D. Kelly  
R. Funnell – Chair

Staff Present: Stacey Laughlin, Planner  
S. Wesley, Assistant Secretary-Treasurer

### Declarations of Pecuniary Interest

No declarations of pecuniary interest were declared.

### Other Business

The Committee members present deferred the request for a refund of the deferral fee for application A-36/08 for 15 Holland Crescent until the next regular meeting of the Committee of Adjustment when more members would be present.

### Approval of Minutes

Moved by B. Birdsell and seconded by A. Clos,

“THAT the Minutes from the July 8, 2008 Regular Meeting of the Committee of Adjustment, be approved.”

Carried.

**Application:** A-65 /08  
**Applicant:** Janos Szugyi  
**Agent:** Davor Krilic  
**Location:** 22 Camm Crescent

**In Attendance: Davor Krilic**

The Vice Chair L. McNair asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Krilic replied the notice sign was posted and comments were received from staff.

Mr. Krilic commented that they wanted to build a room big enough to be feasible. He advised that he made the Committee of Adjustment application on the information that he received from Building Services who had reviewed the building permit application. Building Services indicated that the addition was too close to the rear lot line.

Vice Chair L. McNair commented he was concerned that the minor variance was going to be large enough.

Mr. Krilic said he would be sure to be careful when building the addition.

**A-65 /08**

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 A. Clos and seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 - Row 8 of Zoning By-law (1995)-14864, as amended, for Lot 12, Registered Plan 61M2, municipally known as 22 Camm Crescent, to permit the construction of a 4.72 metre by 4.57 metre (15.5 foot by 15 foot) one storey rear addition to be situate 5 metres (16.4 feet) from the rear lot line when the By-law requires the minimum rear yard be 20% of the lot depth [6.3 metres (20.67 feet)], be approved”.

Carried.

The meeting adjourned at 4:45 p.m.

L. McNair  
Vice Chair

Stephanie Wesley, ACST  
Assistant Secretary-Treasurer,  
Committee of Adjustment.



## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday August 12, 2008 at 4:30 p.m. in Council Committee Room B, City Hall, with the following members present:

R. Funnell, Chair  
L. McNair  
A. Clos  
P. Brimblecombe  
J. Andrews  
B. Birdsell

Regrets: D. Kelly

Staff Present: S. Laughlin, Planner  
K. Fairfull, Secretary-Treasurer

### Declarations of Pecuniary Interest

Committee member B. Birdsell declared a pecuniary interest for Application B-24/08 at 1428 Gordon Street as he is the architect in the proposal.

Committee member A. Clos declared a pecuniary interest for Application A-69/08 at 60 Cardigan Street as the applicant is a client.

### Approval of Minutes from July 22, 2008 Meeting

Moved by A. Clos and seconded by B. Birdsell,

“THAT the Minutes from the July 22, 2008 Special Meeting of the Committee of Adjustment, be approved, as amended.”

Carried.

### Other Business

The Committee reviewed the request for refund of deferral fee from Adelio Pereira at 15 Holland Crescent.

Moved by J. Andrews and seconded by B. Birdsell,

“That the request for refund of deferral fee from Adelio Pereira at 15 Holland Crescent, be granted a refund of ½ of the cost of the deferral fee of \$200.00.”

Carried.

The Secretary-Treasurer advised they had received an appeal from the abutting neighbour for Application A-36/08 at 15 Holland Crescent.

The Committee had received the Draft Code of Conduct from the City Clerk's Office for review and comments. After discussion they requested the Secretary-Treasurer advise the City Clerk's Office they had no comment.

**Application: A-74/08**  
**Applicant: Carere and Bridge Limited**  
**Agent: John Valeriotte**  
**Location: 86 Woodlawn Road, West**  
**In Attendance: John Valeriotte**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Valeriotte was advised the notice sign was posted and he had received the comments from staff. He noted the owner has no concern with the recommended condition.

There were no questions from the Committee.

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 J. Andrews and seconded by A. Clos,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 6.4.3.2.4.1 of Zoning By-law (1995)-14864, as amended, for 86 Woodlawn Road, West to permit an office use within the 419 square metre (45,100.08 square foot) free standing building, be approved, subject to the following condition:

1. That the owner receives approval from the City for a site plan under Section 41 of the Planning Act, prior to the issuance of a building permit. Furthermore, the owner shall develop the property in accordance with the approved site plan.”

Carried.

**Application:**           **A-71/08**

**Applicant:**           **1266304 Ontario Inc.**

**Agent:**               **Larry Kotseff; Fusion Homes**

**Location:**           **19 Simmonds Drive**

**In Attendance:**   **Larry Kotseff**  
                          **Mathieu Strybos, SBK Landscape Architects**  
                          **Kevin Brousseau, Stantec Consulting**

The Secretary-Treasurer advised there were two emails received on the application which had been distributed.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Kotseff replied the notice sign was posted and comments were received from staff. He explained they have had numerous meetings with staff about the development and feel the development will fill a void in the marketplace for housing. He provided building elevations for the information of the Committee and explained the nature of the variances requested. He noted the units will be 1,600 to 2,000 square feet in area, comprised of bungalows with a loft option. He noted the overall density is below the requirements of the R.3 zone.

In response to a question from Committee member L. McNair, Mr. Kotseff replied all units have two car garages and space for two vehicles in the driveway and will be a condominium development.

Committee member L. McNair expressed concern about the number of visitor parking spaces being provided. He noted other condominium developments have rented or leased the visitor spaces to existing owners. He wanted assurance there was no obligation established on any of the visitor spaces.

In response to a question from Committee member L. McNair concerning providing additional visitor parking, Mr. Kotseff explained there could be additional visitor parking provided at the end of the interior roadways or occupying part of the parkette, however this was not supported by staff.

Committee member A. Clos noted they have double the amenity area than recommended in the By-law.

Mr. Kotseff replied they want to minimize the hard surface in the development and additional amenity area is provided in each individual unit.

In response to a question from the Committee respecting the recommended conditions, Mr. Kotseff replied they have reviewed the recommendations and there is no concern.

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. McNair and seconded by B. Birdsell,

“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 Zoning By-law (1995)-14864, as amended, for 19 Simmonds Drive, to construct a 46 unit cluster townhouse development, and,

- a) to permit a maximum building coverage of 42% when the By-law requires a maximum building coverage of 40% where garages are attached to the units [Section 5.3.2.1.];
- b) to permit a minimum landscaped open space to comprise 38% of the lot area when the By-law requires a minimum landscaped open space to be 40% of the lot area [Table 5.3.2 – Row 13];
- c) to permit a driveway to be located 2.65 metres from the end units located in Block 10, Block 11 and Block 13 when the By-law requires 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 [Section 4.13.2.2.2];
- d) to permit a distance of 10.25 metres between Block 11 and Block 12 and between Block 12 and Block 13 and to permit a distance of 3 metres from side wall to side wall between Block 1 and Block 2, between Block 2 and Block 3, between Block 3 and Block 4, between Block 6 and Block 7, between Block 7 and Block 8, between Block 8 and Block 9 when the By-law requires the minimum distance of 15 metres be provided between the face of one building and the face of another building, each of which contains habitable rooms [Section 5.3.2.3.1];
- e) to permit a distance of 10.25 metres between Block 11 and Block 12 and between Block 12 and Block 13 when the By-law requires a minimum distance of 12 metres between a building which contains windows of habitable rooms and a building which does not contain habitable room windows [Section 5.3.2.3.2];
- f) to permit a distance of 6.25 metres between Block 11 and Block 12 and between Block 12 and Block 13 when the By-law requires that no private amenity area shall be located within 12 metres of a wall in another building containing windows of habitable rooms which face the private amenity area [Section 5.3.2.3.4];
- g) to permit a distance of 6.5 metres between Block 4 and the side lot line when the By-law requires that where windows to a habitable room face on a required yard such building shall not be located within 7.5 metres of the side or rear lot line [Section 5.3.2.2.2];
- h) to permit 5 visitor parking spaces when the By-law requires a minimum of 20% of the total required parking shall be provided for visitor parking (10 off-street parking spaces required) [Section 4.13.6];
- i) to permit a 1.2 metre high decorative metal fence and a 1.35 metre high decorative stone wall along the front lot line when the By-law limits the height of a fence in a front yard to 0.8 metres [Section 4.20.9];

- j) to permit a pavilion and arbour to be located in the front yard when the By-law requires an accessory building or structure may occupy a yard, other than a required front or exterior side yard [Section 4.5.1],

be approved, subject to the following conditions:

1. That the owner receives approval from the City for a site plan under Section 41 of the Planning Act, prior to the issuance of a building permit. Furthermore, the owner shall develop the property in accordance with the approved site plan.
2. The proposed 1.2 m (3.94 ft.) high decorative metal fence, 1.35 m (4.43 ft.) high decorative stone wall, pavilion and arbours shall all be located outside of the required sight triangle on either side of the site access point.
3. That the minimum allocated five visitor parking spaces be retained in perpetuity as visitor parking spaces and may not be obligated by the condominium corporation.”

Carried.

**Application:** A-70/08  
**Applicant:** Fusion Homes  
**Agent:** James Laws; Van Harten Surveying Inc.  
**Location:** 105 Bard Boulevard  
**In Attendance:** James Laws  
Larry Kotseff

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Laws replied the notice sign was posted and comments were received from staff. He reviewed the nature of the applications to the Committee and explained they have gone through site plan approval and have received conditional approval subject to approval of the variances.

Committee member L. McNair expressed concern about the separation between buildings of 3 metres in lieu of 15 metres.

Committee member A. Clos noted single detached dwellings could have windows with a 1.2 metre side yard and a 2.4 metre separation distance between buildings.

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 A. Clos and seconded by P. Brimblecombe,

“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 5.3.2 – Row 5 and Sections 5.3.2.2.2, 5.3.2.3.1 and 5.3.2.3.4 of Zoning By-law (1995)-14864, as amended, for 105 Bard Boulevard, to construct a 53 unit cluster townhouse development, and,

- a) to permit a front yard setback of 4.5 metres from the Bard Boulevard property line when the By-law requires a minimum front yard setback of 6 metres,
- b) to permit a minimum distance of 3 metres to the rear lot line when the By-law requires where windows to a habitable room face on a required yard, such building should not be located within 7.5 metres of that rear lot line,
- c) to permit a minimum 3 metre distance between the face of one building and the face of another building, each of which contains windows of habitable rooms for Units 6 and 7, Units 19 and 20 and Units 25 and 26 and to permit minimum 4.4 metres between the face of one building and the face of another building, each of which contains windows of habitable room for Units 13 and 14 when the By-law requires the distance between the face of building and the face of another building each of which contains windows of habitable rooms, shall in no case be less than 15 metres (49.21 feet),
- d) to permit Units 43-45 and Units 46-49 to have a minimum distance of 10.5 metres between the private amenity area and the walls containing windows of habitable rooms which face the private amenity area when the By-law requires that no part of a private amenity area shall be located within 12 metres of a wall in another building containing windows of habitable rooms which face the private amenity area,

be approved, subject to the following condition:

1. That the owner receives approval from the City for a site plan under Section 41 of the Planning Act, prior to the issuance of a building permit. Furthermore, the owner shall develop the property in accordance with the approved site plan.”

Carried.

Committee member B. Birdsell, having declared a pecuniary interest for the next application, left the room.

**Application:** B-24/08  
**Applicant:** Upper Grand District School Board  
**Agent:** Jeff Buisman; Van Harten Surveying Inc.  
**Location:** 1416 and 1428 Gordon Street  
**In Attendance:** Dwayne Scheerer

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Scheerer replied the notice sign was posted and comments were received from staff. He noted it was financially more feasible to connect to an existing storm water easement than to connect to Gordon Street to support the proposed day care centre.

Having had regard to the matters that are to be had regard to 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 J. Andrews and seconded by L. McNair,

“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 an easement over Part Lot 7, Concession 8, municipally known as 1428 Gordon Street, an easement with a width of 5 metres and a depth of 2 metres, for protection of a storm sewer lateral in favour of the abutting property municipally known as 1416 Gordon Street, be approved, subject to the following conditions:

1. That prior to endorsement of the deeds, the dominant tenement (1428 Gordon Street), grants a 5.0-metre (16.40 feet) wide by 2.0-metre (6.56 feet) deep easement for a storm sewer lateral connection to the existing 825mm storm sewer, registered on title, in favour of the servient tenement (1416 Gordon Street).
2. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to August 15, 2009.
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 endorsement of the deed.
4. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
5. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Committee member B. Birdsell was summoned back to the room.

**Application:**           **B-23/08**

**Applicant:**           **Upper Grand District School Board**

**Agent:**               **Frank Brewster; Miller, Thomson**

**Location:**           **500 Victoria Road, North**

**In Attendance:**     **Lorraine and Ray Bond**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Bond replied the notice sign was posted and comments were received from staff. There was no further information to add to the application.

There were no questions from the Committee.

Having had regard to the matters that are to be had regard to 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 A. Clos and seconded by B. Birdsell,

“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 an easement over Part Broken Front Lot ‘E’, Division ‘F’, known municipally as 500 Victoria Road, North, an easement along the rear lot line with a width of 93.7 metres and a depth of 6 metres for protection of a sewer lateral for the abutting property municipally known as 520 Victoria Road, North, be approved, subject to the following conditions:

1. That prior to endorsement of the deeds, the dominant tenement (500 Victoria Road, North), grants a 93.70-metre (307.41 feet) wide by 6.0-metre (19.69 feet) deep easement (Part 1 on draft Reference Plan 61R-\*\*\*\*\*) for a sanitary sewer connection to the existing sanitary sewer manhole, registered on title, in favour of the servient tenement (520 Victoria Road, North).
2. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to August 15, 2009.
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 endorsement of the deed.
4. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the



Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.

5. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

**Application:** A-73/08  
**Applicant:** 2076735 Ontario Ltd.  
**Agent:** Rick Eleveld  
**Location:** 77 Westmount Road  
**In Attendance:** Rick Eleveld

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Eleveld replied the notice sign was posted and comments were received from staff. He noted the application is clear and they have no objection to the recommended condition.

In response to questions from the Committee, Mr. Eleveld explained the ambulance driveway will be eliminated to provide short term parking. He further explained there will be no decrease in parking spaces and the entire lot will be relined and handicapped spaces moved closer to the building entrance.

Committee member L. McNair questioned why the parking space sizes are larger than the By-law requires.

Planner S. Laughlin replied there is specialized zoning on the property which requires a 2.8 metre by 6 metre parking spaces.

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 J. Andrews and seconded by P. Brimblecombe,

“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 4.13.4.2 of

Zoning By-law (1995)-14864, as amended, for 77 Westmount Road, to enclose the existing breezeway and create a lobby area and coffee shop/café and to permit a total of 102 off-street parking spaces when the by-law requires the number of off-street parking spaces be determined by the use and the area it occupies within the building [129 off-street parking spaces], be approved, subject to the following condition:

1. That the owner receives approval from the City for a site plan under Section 41 of the Planning Act, prior to the issuance of a building permit. Furthermore, the owner shall develop the property in accordance with the approved site plan.”

Carried.

**Application:** A-67/08  
**Applicant:** Stirling Fisher  
**Agent:** Stirling Fisher  
**Location:** 56 Hayes Avenue  
**In Attendance:** Stirling Fisher

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Fisher replied the notice sign was posted and comments were received from staff. He noted the comments are irrelevant as the window will have to be removed as part of the building permit requirements. He explained the roof drainage does not encroach on the neighbour's property. He expressed concerns he purchased the property and there was no notice from the municipality there were any issues related to the property. He explained he has improved the property and it attempting to address the sunroom addition by applying for a building permit and minor variance.

Chair R. Funnell questioned if the previous owner obtained a building permit for the sunroom addition.

Mr. Fisher replied the City had work orders against the property with the previous owner and this was discovered after he purchased the dwelling. He noted when it was discovered he applied for a building permit.

Committee member A. Clos asked Mr. Fischer if his solicitor had undertaken a search to check the zoning compliance before he bought the property.

Mr. Fisher replied they did not search as they obtained title insurance. He noted the municipality should have registered the work orders on title to give notice.

Committee member A. Clos asked how the City would know he was purchasing the property if he did not advise them.

Mr. Fisher replied the City would have known he purchased the property because he requested a tax certificate.

Committee member L. McNair explained his lawyer should be asking if there are any work orders on the property.

Mr. Fisher noted they typically ask for title insurance to cover any problems which may occur.

Committee member A. Clos recommended the Committee defer the application as staff is unsure the addition is setback from the lot line in absence of a survey.

Planner S. Laughlin noted there is an old survey in municipal records but it does not show the sunroom addition.

Mr. Fisher explained there is no evidence the construction encroaches on the neighbour's property. He explained there is time element and there is a cost element to obtain a survey.

Chair R. Funnell explained there has been an addition constructed without a building permit. He noted asking what taxes are owing on a property does not fulfill the requirements for a property search for outstanding work orders.

Mr. Fisher replied he has attempted to obtain information on the property and has been denied.

Committee member A. Clos questioned if any preconsultation with staff occurred related to the application.

Mr. Fisher replied he talked to staff in Building Services and felt he should be receiving co-operation to deal with this matter.

Committee member L. McNair noted the drawing submitted identifies a .25 foot clearance (3 inches) to the foundation wall. He noted if the overhang exceeds 3" it would result in an encroachment on the neighbouring property.

Mr. Fisher replied the sunroom does not have a foundation; it is literally a covered porch.

Chair R. Funnell explained staff are recommending a survey be completed because there is an uncertainty where the addition is actually located.

Mr. Fisher replied the City has done nothing to prove the addition is encroaching on the neighbouring property.

Committee member B. Birdsell questioned if the porch in the right side yard was constructed by the previous owner.

Mr. Fisher replied the porch was not constructed by him although he did add a handrail.

Committee member B. Birdsell noted the site plan submitted does not show the porch location.

Moved by L. McNair and seconded by P. Brimblecombe,

“THAT Application A-67/08 for Stirling Fisher at 56 Hayes Avenue, be deferred sinedie to prepare a survey plan identifying the existing site conditions and to undertake preconsultation with staff on the variance application 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 application fee be paid prior to reconsideration of the application.”

Carried.

**Application: A-76/08**  
**Applicant: Tom Dietrich**  
**Agent: Richard Krynicki**  
**Location: 143 Riverview Drive**  
**In Attendance: Tom Dietrich**  
**Richard Krynicki**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Dietrich replied the notice sign was posted and comments were received from staff. He expressed concern about the recommendations from Engineering staff as the curb cut has no relation to the request for an additional height of the accessory building. He noted the curb cut extends into the adjoining property.

Chair R. Funnell explained the municipality will take the opportunity to correct any concerns when a planning application is submitted.

Mr. Dietrich replied this would result in restoration of approximately 2 feet on his property and 10 feet on the neighbouring property.

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 A. Clos and seconded by B. Birdsell,

“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 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for 143 Riverview Drive, to demolish the

existing 1½ storey garage and construct a 61.13 square (658 square foot) 1½ storey garage with a height of 4.27 metres (14 feet) when the By-law requires an accessory building height not exceed 3.6 metres (11.81 feet) in height [measured to the mid point between the eave and the ridge], be approved, subject to the following conditions:

1. That all or any portion of the accessory structure not be used as habitable space or for a home occupation.
2. That prior to any building permit being issued for the proposed garage, the owner shall demolish the existing detached garage.'

Carried.

Committee member A. Clos noted the garage is being converted from a single car garage to a double car garage and she supported removing the engineering condition related to curb fills.

**Application:**           **A-75/08**  
**Applicant:**           **Peggy and Joseph Michelown**  
**Agent:**               **Peggy and Joseph Michelown**  
**Location:**           **31 Munroe Crescent**  
**In Attendance:**      **Joseph Michelown**  
                              **Jasna Soti**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Michelown replied the notice sign was posted and comments were received from staff. He explained his mother is moving his mother into the accessory unit from a three bedroom home so additional space is required during the downsizing.

Mr. Soti expressed concern about noise along the street with the additional development.

Committee member L. McNair questioned if the additional area would be used for a bedroom.

Mr. Michelown replied the additional space would not be for a bedroom. He noted the majority of space is for heirlooms she has that are important for her.

Committee member B. Birdsell questioned if there was only once entrance to the basement.

Mr. Michelown replied there is a walkway along the side of the house and entrance door along the side of the house as his mom wanted to keep her independence.

Committee member L. McNair noted the additional 60 square feet is still lower in area than the maximum size permitted in the By-law.

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

Moved by P. Brimblecombe and seconded by B. Birdsell,

“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 31 Munroe Crescent, to expand a 69.58 square metre (749 square foot) accessory apartment an additional 16.44 square metres (177 square feet) which will result in an area of 86.03 square metres (926.05 square feet) WHEN THE By-law requires an accessory apartment shall not exceed 80 square metres (861.1 square feet) in floor area, be approved, subject to the following condition:

1. That the accessory apartment be limited to an area not exceeding 86.03 square metres (926.05 square feet).’

Carried.

**Application:** A-68/08  
**Applicant:** Lance and Anne Wylie  
**Agent:** Lance and Anne Wylie  
**Location:** 4 Chesterton Lane  
**In Attendance:** Lance Wylie  
Rob Kent

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Wylie replied the notice sign was posted and comments were received from staff. He distributed handouts to the Committee for review. He submitted a picture of the property and explained reasons why they would like a fence.

Committee member B. Birdsell questioned if there was a response to the recommendations from Planning staff.

Mr. Kent replied they do not support the request to move the fence 6.5 feet from the property line. He noted there are alternatives to improve the sightline such as trimming up the spruce tree and constructing the fence at a 45 degree angle to the property line.

Committee member L. McNair questioned what the distance was from the arc to the cord.

Mr. Wyle replied the property line is located 1.5 metres inside the sidewalk which would result in approximately 2 metres from the arc to the cord.

After discussion on alternatives with the members of the Committee, the applicant agreed to locating the fence 2 metres from the property line at the building and extend to 0 metres from the property line at the existing chain link fence surrounding the drainage channel (fence constructed on a 45 degree angle).

Planner S. Laughlin advised Planning staff could support this proposal.

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. McNair and seconded by J. Andrews,

“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 4 Chesterton Lane, to permit a 1.82 metre (6 foot) high) wood fence which would project 2.64 metres from the front building wall (to 2 metres from the Chesterton Lane property line) and extend to 0 metres from the front lot at the right side lot line, be approved, subject to the following conditions:

1. That the fence along the street commencing at its westerly corner be located 2 metres (maximum projection of 2.64 metres from the front building wall) from the property line and run to the intersection of the chain link fence 0 metres from the property line.
2. That the proposed 1.82-metre (6.0 feet) high wood fence does not extend beyond the front right main wall of the dwelling as shown on the applicant’s site plan.
3. That prior to issuance of a building permit, the applicants make arrangements for access to the hydro meter, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.”

Carried.

**Application:** A-72/08  
**Applicant:** Cheri Brodeur  
**Agent:** Subhash Chugh  
**Location:** 64 Galt Street  
**In Attendance:** Cheri Brodeur

**Subhash Chugh**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Chugh replied the notice sign was posted and comments were received from staff. He explained the applicant constructed a wood deck over the existing concrete porch and added an addition to the porch which is before the Committee for consideration. With respect to the concerns from Engineering staff, he explained there was a railing on the existing porch before they covered it with wood. He expressed concern the recommendations to space the railings sufficiently to not impair the driver's vision may result in Building Code violations. He advised he would be willing to work with Engineering staff to address their concerns.

In response to a question from Committee member L. McNair, Planner S. Laughlin explained the existing roofed porch is legal non-complying and the porch extension requires the variance.

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. McNair and seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7 – Row 1 of Zoning By-law (1995)-14864, as amended, for 64 Galt Street, to permit a 1.52 metre by 2.74 metre (5 foot by 9 foot) extension to the existing roofed porch to be situate .07 metres (.25 feet) from the front lot line when the By-law requires an uncovered porch less than 1.2 metres (4 feet) above grade be situate a minimum of 0.8 metres (2.62 feet) from any lot line, be approved, subject to the following condition:

1. That the owner shall adjust some of the wood railings along the stairway and roofed deck/porch that is located within the driveway sight line triangle, within 90 days of the decision, satisfactory to the City Engineer.”

Carried.

**Applications:** B-21/08 and B-22/08  
**Applicant:** 785412 Ontario Limited  
**Agent:** Subhash Chugh  
**Location:** 168 Fife Road  
**In Attendance:** Subhash Chugh  
Leanne McClymont



**Pricila Matthews**  
**Bruce Kirby**

The Secretary-Treasurer advised she spoke with the Transportation Planning & Development Engineering Manager in response to concerns expressed by the applicant and he agreed to remove the second sentence of recommended Condition 8.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Chugh replied the notice sign was posted and comments were received from staff. He noted he was in agreement with the conditions recommended. He explained the purpose of the application is to sever two parcels fronting onto Fife Road for semi-detached buildings. He noted he has received approval from Guelph City Hall for the semi-detached dwellings and a cluster townhouse on the rear parcel. He noted conditions 5 and 6 from Engineering has requested payment be made prior to site plan approval or prior to severance, whichever occurs first, however there will be no site plan approval for the subject parcels as they are exempt. He questioned if the Committee would consider amending these conditions to 'prior to issuance of a building permit for the semi-detached building'.

Planner S. Laughlin explained site plan approval will not be required for the semi-detached buildings and she would have no objection to changing the conditions to reflect payments prior to issuance of a building permit.

Leanne McClymont advised the neighbours were there for information only and they had no objection to the severance to allow the semi-detached buildings.

Application Number B-21/08

Having had regard to the matters that are to be had regard to 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 L. McNair and seconded by J. Andrews,

"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 18, Concession 2, Division 'E', to be known as 146 and 148 Fife Road, a parcel for the construction of a semi-detached dwelling with a frontage along Fife Road of 17 metres (55.77 feet) and a depth of 30 metres (98.42 feet), be approved, subject to the following conditions:

1. The Owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the retained lands to the satisfaction of the Director of Community Design and Development Services and the City Engineer, prior to the issuance of a building permit for any townhouses, and furthermore, the owner shall develop the said lands in accordance with the approved plan.

2. The owner shall deed to the City free of all encumbrances a 5.182-metre (17.0 feet) wide by 46.05-metre (151.08 feet) long parcel of land for a road widening across the entire Fife Road frontage, prior to any severance of the property or prior to site plan approval.
3. That prior to any severance of the property or prior to site plan approval, the owner shall pay to the City the owner's share of the cost of the existing municipal services on Fife Road, as determined by the City Engineer.
4. That prior to any severance and/or any new development on the property, the owner shall demolish the existing house at 168 Fife Road.
5. That the owner pays the actual cost of reconstructing the sidewalk with a boulevard across the Fife Road frontage of the property and furthermore, prior to any severance of the property or prior to site plan approval, the owner shall pay to the City the estimated cost as determined by the City Engineer.
6. That the owner pays the actual cost of constructing and installing any service laterals required and furthermore, prior to issuance of a building permit on the severed parcel, the owner shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
7. That prior to issuance of a building permit on the severed parcel, the owner shall have a Professional Engineer design a grading/drainage plan and stormwater management system for the entire site, satisfactory to the City Engineer.
8. That the owner grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the City Engineer.
9. That prior to any severance of the property or prior to site plan approval, any domestic wells located within the lands shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer. Any boreholes drilled for hydro geological or geotechnical investigations must also be properly abandoned.
10. That the zoning by-law for the proposed R.2 (Residential Semi-Detached) Zone be certified prior to endorstation of the deeds.
11. That the elevation and design for the new dwellings on the severed parcels be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwellings.
12. That the Owner receive a demolition permit and remove the existing dwelling at 168 Fife Road prior to endorstation of the deeds.
13. That a site plan be prepared for the severed parcels indicating:

- a. The location and design of the new dwellings;
- b. That the location of the new dwellings maintains a setback that is in character with the surrounding area;

All of the above to be submitted to and approved by the Director of Community Design and Development Services prior to the issuance of building permits for the new dwellings.

14. That a tree conservation plan be prepared to identify trees to be retained and removed. Specific efforts shall be made to retain the mature tree located within the rear yard of the most westerly semi-detached lot. The tree conservation plan shall be submitted to and approved by the Director of Community Design and Development Services prior to the issuance of building permits for the new dwellings.
15. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2004)-17361, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
16. That the applicant shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsation of the deeds, at the rate in effect at the time of the endorsation.
17. Prior to the issuance of any building permit for the lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
18. The owner acknowledges and agrees that the 4 dwelling units on the severed lands will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
19. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
20. That prior to issuance of building permits, the applicant makes arrangements for provision of underground hydro servicing to the severed parcel, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
21. That the documents in triplicate with original signatures to finalize and register the

transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to August 15, 2009.

22. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
23. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
24. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number B-22/08

Having had regard to the matters that are to be had regard to 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 L. McNair and seconded by J. Andrews,

“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 18, Concession 2, Division 'E', to be known as 150 and 152 Fife Road, a parcel for the construction of a semi-detached dwelling with a frontage along Fife Road of 17 metres (55.77 feet) and a depth of 30 metres (98.42 feet), be approved, subject to the following conditions:

1. The Owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the retained lands to the satisfaction of the Director of Community Design and Development Services and the City Engineer, prior to the issuance of a building permit for any townhouses, and furthermore, the owner shall develop the said lands in accordance with the approved plan.
2. The owner shall deed to the City free of all encumbrances a 5.182-metre (17.0 feet) wide by 46.05-metre (151.08 feet) long parcel of land for a road widening across the entire Fife Road frontage, prior to any severance of the property or prior to site plan approval.

3. That prior to any severance of the property or prior to site plan approval, the owner shall pay to the City the owner's share of the cost of the existing municipal services on Fife Road, as determined by the City Engineer.
4. That prior to any severance and/or any new development on the property, the owner shall demolish the existing house at 168 Fife Road.
5. That the owner pays the actual cost of reconstructing the sidewalk with a boulevard across the Fife Road frontage of the property and furthermore, prior to any severance of the property or prior to site plan approval, the owner shall pay to the City the estimated cost as determined by the City Engineer.
6. That the owner pays the actual cost of constructing and installing any service laterals required and furthermore, prior to issuance of a building permit on the severed parcel, the owner shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
7. That prior to issuance of a building permit on the severed parcel, the owner shall have a Professional Engineer design a grading/drainage plan and stormwater management system for the entire site, satisfactory to the City Engineer.
8. That the owner grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the City Engineer.
9. That prior to any severance of the property or prior to site plan approval, any domestic wells located within the lands shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer. Any boreholes drilled for hydro geological or geotechnical investigations must also be properly abandoned.
10. That the zoning by-law for the proposed R.2 (Residential Semi-Detached) Zone be certified prior to endorsement of the deeds.
11. That the elevation and design for the new dwellings on the severed parcels be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwellings.
12. That the Owner receives a demolition permit and remove the existing dwelling at 168 Fife Road prior to endorsement of the deeds.
13. That a site plan be prepared for the severed parcels indicating:
  - a) The location and design of the new dwellings;
  - b) That the location of the new dwellings maintains a setback that is in character with the surrounding area;

All of the above to be submitted to and approved by the Director of Community Design and Development Services prior to the issuance of building permits for the new dwellings.

14. That a tree conservation plan be prepared to identify trees to be retained and removed. Specific efforts shall be made to retain the mature tree located within the rear yard of the most westerly semi-detached lot. The tree conservation plan shall be submitted to and approved by the Director of Community Design and Development Services prior to the issuance of building permits for the new dwellings.
15. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2004)-17361, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
16. That the applicant shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorstation of the deeds, at the rate in effect at the time of the endorstation.
17. Prior to the issuance of any building permit for the lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
18. The owner acknowledges and agrees that the 4 dwelling units on the severed lands will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
19. That prior to the endorstation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
20. That prior to issuance of building permits, the applicant makes arrangements for provision of underground hydro servicing to the severed parcel, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
21. That prior to issuance of building permits, the applicant submits a site plan showing the driveway/roadway location maintaining a minimum clearance of 1.5 metres from the existing hydro pole, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. If this clearance is not provided, relocation of the existing hydro pole will be at the owner's expense.

22. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to August 15, 2009.
23. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
24. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
25. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

**Application:**            **A-66/08**

**Applicant:**             **Tim Katerberg**

**Agent:**                 **Tim Katerberg**

**Location:**             **109 Emma Street**

**In Attendance:**       **Tim Katerberg**  
                              **Sylvia Jones**  
                              **Jamie Chalmers**  
                              **Jeff Chalmers**  
                              **Mike Cushing**  
                              **Karen Bowman**  
                              **Edna Harper**  
                              **Howard Harper**

The Secretary-Treasurer advised there were letters received in objection to the application which had been copied for Committee members.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Katerberg replied the notice sign was posted and comments were received from staff.

Edna Harper expressed concern about the construction of the parking area related to lighting, security, snow removal, water runoff and possible damage to the wood fence.

Sylvia Jones explained she had submitted a letter outlining her concerns and had no further information to add.

Mike Cushing resides at 19 Sunnylea Crescent. He expressed concern about the height of the parking lot after constructed as it will exceed the height of his existing fence along the rear lot line. He further explained that with the difference in elevation a wood fence will not be acceptable.

Karen Bowman expressed concerns about privacy and maintenance of the parking lot.

Committee member L. McNair questioned if there will be any changes to the exterior of the building.

Mr. Katerberg replied they will be adding two additional units however there will be the same number of bedrooms as there are today. He further explained they would like to eliminate the parking on the paved boulevard at the front of the building and provide green space and also to provide a parking area for the existing tenants.

Chair R. Funnell expressed concern from an engineering standpoint about how this property will be drained.

Mr. Katerberg replied he went to the site plan committee on June 25<sup>th</sup> with staff from Planning, Parks, Building and Engineering in attendance. He noted there were no concerns from Engineering staff at that time and he was requested to obtain the Committee of Adjustment variances and a grading and drainage plan from an Ontario Land Surveyor.

Chair R. Funnell questioned if the parking area had to be located close to the rear lot line.

Mr. Katerberg replied staff are recommending parking be provided at the rear of the building.

Chair R. Funnell questioned where the tenants are parking now.

Mr. Katerberg replied the tenants are parking to the front and side of the building.

Committee member P. Brimblecombe questioned if the applicant had considered installing a cement wall along the rear lot line.

Mr. Katerberg replied there will be a barrier in place to ensure the fence does not get damage. He noted they are willing to incorporate any recommendations from the site plan committee.

Committee member L. McNair noted he understood most of parking today is located on City property and the right thing to do is to move the parking to the rear yard.

Planner S. Laughlin noted the applicant has agreed to landscape the area currently used for parking at the front.



Committee member L. McNair questioned if the applicant could reconfigure the parking area to keep the parking spaces further away from the rear lot line.

Chair R. Funnell suggested deferral of the application to determine if the parking lot can be drained to the storm sewer and to allow for a grading and drainage plan to be prepared. He noted the rear yard is comprised of grass which collects water however drainage will have to be studied when the rear yard area is paved. He further suggested the applicant meet with neighbours who are concerned about the proposal.

The Committee felt more information needed to be provided respecting the drainage of the parking lot and the concerns of the neighbours needed to be addressed.

Mr. Katerberg explained he is the new owner of the building and he is willing to talk to the neighbours. He assured the Committee they will install curb stops along the rear lot line.

Committee member A. Clos questioned how many tenants had cars.

Mr. Katerberg replied there are 4 vehicles.

Committee member A. Clos noted the applicant may want to consider a variance for fewer parking spaces on the property.

Moved by L. McNair and seconded J. Andrews,

“THAT Application A-66/08 for Timothy Katerberg at 109 Emma Street, be deferred sinedie, to receive comments from Engineering staff concerning drainage of the new parking lot and to discuss with Planning staff the number of parking spaces to be provided, a possible revised parking plan and the treatment of the buffer along the rear lot line 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 application fee be paid prior to reconsideration of the application.”

Carried.

Committee member A. Clos, having declared a pecuniary interest for the next application, left the meeting.

**Application:** A-69/08  
**Applicant:** Charleston Homes  
**Agent:** James Fryett Architect  
**Location:** 60 Cardigan Street  
**In Attendance:** Jim Fryett  
Carolyn Bilson

The Secretary-Treasurer advised there was an email received in objection to the application, which was distributed to the Committee members for review.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Fryett replied the notice sign was posted and comments were received from staff. He advised he has reviewed the report with the owner and they are in agreement with the recommended conditions. He noted the application has been submitted in response to recommendations from Planning staff who advised the additional height on the accessory buildings would provide for a better project from an architectural prospective and would provide storage space for the units. He explained the site plan for the property has been approved and they do not plan on making any changes to the site plan. He advised this site has been through a rigorous process for rezoning with opportunity for neighbours to comment on the proposal.

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. McNair and seconded by P. Brimblecombe,

“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 4.5.2.1 of Zoning By-law (1995)-14864, for 60 Cardigan Street, to permit the accessory buildings (garages) to have a maximum height of 5.4 metres (17.72 feet) when the By-law requires an accessory building in a residential zone shall not exceed 3.6 metres (11.81 feet) in height [measured from the average grade level to the mid-point between the eave and the ridge], be approved, subject to the following conditions:

1. That all or any portion of the accessory structure not be used as habitable space or for a home occupation.
2. That any changes to the elevations and site layout be subject to revised/updated site plan approval in accordance with Section 41 of the Planning Act as deemed necessary by the Director of Community Design and Development Services.”

Carried.

The meeting adjourned at 8:55 p.m.

R. Funnell  
Chair

K. Fairfull  
Secretary-Treasurer

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday, August 28, 2008 at 4:30 p.m. in Committee Room B, City Hall 59 Carden Street, with the following members present:

L. McNair – Vice Chair  
J. Andrews  
A. Clos  
P. Brimblecombe

Regrets: R. Funnell - Chair  
B. Birdsell  
D. Kelly

Absent:

Staff Present: Stacey Laughlin, Planner  
S. Wesley, Assistant Secretary-Treasurer

### Declarations of Pecuniary Interest

No pecuniary interests were declared.

### Other Business

A. Clos had asked about the sight line requirements for Application A-80/08 for 188 Clairfields Drive West with regards to the intersection be signalized. The Assistant Secretary-Treasurer advised Julius Bodai of Engineering Services had replied that the signalized intersection was taken into consideration when determining the setback for the sight line triangle for the proposed fence.

### Approval of Minutes

Committee member A. Clos amended the minutes of the August 12, 2008 meeting.

Moved by A. Clos and seconded by J. Andrews,

“THAT the Minutes from the August 12, 2008 Regular Meeting of the Committee of Adjustment, be approved, as amended.”

Carried.

**Application: B-25/08 and B-26/08**

**Applicant:** 723033 Ontario Inc. and Guelph Country Club  
**Agent:** John Cox, JL Cox Planning Consultants Inc.  
**Location:** 95 and 133 Woodlawn Road East  
**In Attendance:** John Cox  
Richard Puccini, President of Guelph Country Club

The Vice Chair L. McNair asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Cox replied the notice sign was posted and comments were received from staff.

Mr. Cox explained the boundaries of the two properties will be regularized with these severances. He advised the properties are about the same in size.

**B-25/08**

Having had regard to the matters that are to be had regard to 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 A. Clos and seconded by J. Andrews,

"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 Broken Lot 1 Division 'F' (Part 2 on severance sketch prepared by BSR&D dated April 9, 2008) being part of 95 Woodlawn Road East, a parcel with an area of 202.9 square metres (2,184 square feet) as a lot addition to 133 Woodlawn Road East, be approved, subject to the following conditions;

1. That the proposed severed parcel of land, irregular in shape, (Proposed Part 2), 12.230-metres by 9.798-metres and 17.530-metres by 29.021-metres from 95 Woodlawn Road, East (Part of Broken Front Lot 1, Division "F", being Part of Part 3, on Reference Plan 61R-2115) be conveyed to the abutting owner of 133 Woodlawn Road, East (Part of Broken Front Lot 1, Division "F", being Part 31, on Reference Plan 61R-7189) as a lot addition only (Form 3 Certificate).
2. That the following covenant is incorporated in the deed:-  
"The conveyance of **(Severed Lands - legal description - Lot and Plan)**, City of Guelph, County of Wellington, designated as **(Part and 61R-Plan Number)** as a lot addition only to **(Legal Description of Lands to be joined with - Lot and Plan)**, and shall not be conveyed as a separate parcel from **(Legal Description of Lands to be joined with - Lot and Plan)**."

3. That the proposed severed parcels of land be conveyed to the abutting Owner as a lot addition only (Form 3 Certificate).
4. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to August 26, 2009.
5. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
6. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
7. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk.”

Carried.

**B-26/08**

Having had regard to the matters that are to be had regard to 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 A. Clos and seconded by J. Andrews,

“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 Broken Front Lot 1, Division ‘F’ being proposed Part 1 on severance sketch prepared by BSR&D dated April 9, 2008 being part of lands associated with 133 Woodlawn Road East (Guelph Country Club) a parcel with an area of 247.3 square metres (2,662 square feet) as a lot addition to Unit 11, Wellington Condominium Plan No. 99 municipally known as 283 Riverview Place, be approved, subject to the following conditions;

1. That the proposed severed parcel of land, triangular in shape, (Proposed Part 1) 13.740-metres by 35.998-metres by 38.441-metres from 133 Woodlawn Road, East (Part of Broken Front Lot 1, Division “F”, being Part 31, on Reference Plan 61R-7189) be conveyed to the abutting owner of 283 Riverview Place, (Part 17, on Reference Plan 61R-8265) as a lot addition only (Form 3 Certificate).

2. That the following covenant is incorporated in the deed:-  
"The conveyance of (**Severed Lands - legal description - Lot and Plan**), City of Guelph, County of Wellington, designated as (**Part and 61R-Plan Number**) as a lot addition only to (**Legal Description of Lands to be joined with - Lot and Plan**), and shall not be conveyed as a separate parcel from (**Legal Description of Lands to be joined with - Lot and Plan**).
3. That the proposed severed parcels of land be conveyed to the abutting Owner as a lot addition only (Form 3 Certificate).
4. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to August 26, 2009.
5. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
6. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
7. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried.

**Application:** B-27/08 and B-28/08

**Applicant:** St. Joseph's Health System and  
St. Joseph's Health Centre Foundation Guelph

**Agent:** John Cox, JL Cox Planning Consultants Inc.

**Location:** 100 and 120 Westmount Road

**In Attendance:** John Cox

The Vice Chair L. McNair asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Cox replied the notice sign was posted and comments were received from staff.

Mr. Cox asked for a deferral based on comments made by Planning staff. He advised the applicants will be making an application for site plan approval in the new future so the concerns of by staff can be addressed. Mr. Cox advised the St. Joseph's Health System is proposing to construct an addition at the same end of the existing care facility which may affect these consent proposals.

**B-27/08**

Moved by J. Andrews and seconded by P. Brimblecombe

"THAT Application B-27/08 for St. Joseph's Health System at 100 Westmount Road, 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 application fee be paid prior to reconsideration of the application."

Carried.

**B-28/08**

Moved by J. Andrews and seconded by P. Brimblecombe

"THAT Application B-28/08 for St. Joseph's Health Centre Foundation Guelph at, 120 Westmount Road, 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 application fee be paid prior to reconsideration of the application."

Carried.

**Application:** A- 78/08  
**Applicant:** Anthony and Rose D'Souza  
**Agent:** N/A  
**Location:** 75 Kortright Road West  
**In Attendance:** Anthony D'Souza

The Vice Chair L. McNair asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. D'Souza replied the notice sign was posted and comments were received from staff.

Mr. D'Souza advised he had sent an email explaining the accessory apartment was not yet constructed. He explained that they were a one income family and that they were making an accessory apartment for the revenue. He advised the committee that the apartment has not been constructed yet.

Committee member P. Brimblecombe asked if the applicant if he would be starting the accessory apartment right away.

Mr. D'Souza replied yes, he is planning to apply for the permit for the accessory apartment as soon as possible. He advised that the stairwell is to be moved further back along the wall than what was shown on the plan as he was advised by building staff the proposed bedroom was required to have a window.

Committee member question the Planner Stacey Laughlin, if the 30 days requirement was necessary.

The Planner, Stacey Laughlin, replied staff were okay with the removal of the 30 days.

**A-78/08**

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. Brimblecombe and seconded by J. Andrews,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7 Row 1 of Zoning By-law (1995)-14864, as amended, for Lot 160, Registered Plan 657 municipally known as 75 Kortright Road, West, to permit the proposed stairwell to be situate 0.4 metres (1.33 feet) from the right side lot line when the By-law requires a minimum setback of 0.6 metres (1.96 feet), be approved subject to the following conditions;

1. That the proposed exterior stairwell is not constructed any closer than 0.40-metres (1.31 feet) from the right side lot line.
2. That the owner applies for building permits and the registration of the proposed second unit in the basement.
3. That prior to issuance of a building permit, the applicants make arrangements for



the location of the proposed stairwell adjacent to the existing hydro meter, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.”

Carried.

**Application:**           **A-80/08**  
**Applicant:**           **Alphons R. Josephrajah**  
**Agent:**               **N/A**  
**Location:**           **188 Clairfields Drive West**  
**In Attendance:**      **Alphons R. Josephrajah**

The Vice Chair I. McNair asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Josephrajah replied the notice sign was posted and comments were received from staff. He explained the reason for building the fence is because of the walkout basement which is almost 6 feet lower than the side walk. He advised there are a lot of school children using his yard when going by.

Committee member A. Clos asked if moving the fence back would the air conditioner be inside the fence.

The Planner, Stacey Laughlin explained that staff were asking for the fence to be cut out of the sight line.

Mr. Josephrajah advised there is no sign posting there is a school in the area or the speed.

**A-80/08**

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 J. Andrews and seconded by P. Brimblecombe,

“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 Sections 4.20.10.1 and 4.20.10.3 of Zoning By-law (1995)-14864, as amended, for Lot 148, Registered Plan

61M39 municipally known as 188 Clairfields Drive, West, to permit the proposed fence which commences 1.83 metres (6 feet) ahead of the mid point of the dwelling to and along the Clair Road property line to have a height of 1.83 metres (6 feet), be approved; subject to the following condition;

1. That the portion of the proposed/existing 1.83-metre (6.0 feet) high wood fence approximately 2.60-metres (8.53 feet) by 3.0-metres (9.84 feet) be removed and re-erected along the safe sight line triangle and is not to extend beyond 5.30-metres (17.39 feet) from the wall of the dwelling.”

Carried.

**Application:** A-79/08  
**Applicant:** Elbert and Nellie Van Donkersgoed  
**Agent:** N/A  
**Location:** 22 Glasgow Street North  
**In Attendance:** Mr. Van Donkersgoed

The Vice Chair L. McNair asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. van Donkersgoed replied the notice sign was posted and comments were received from staff.

Mr. Van Donkersgoed advised 2 years ago he had decided to improve the property and change the front yards. He advised that he had reconstructed the retaining wall and would like to replace the porch with a slightly larger porch and turn the stairs to the side.

**A-79/08**

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 A. Clos and seconded by J. Andrews,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7 – Row 2 and Section 4.6.1(i) of Zoning By-law (1995)-14864, as amended, for Part of Lot 480,

Registered Plan 8 municipally known as 22 Glasgow Street North, to permit the proposed porch to be located 0 metres from the Northumberland Street property line and within the corner sightline triangle (Glasgow Street and Northumberland Street), be approved; subject to the following condition;

1. That prior to building permit, the new encroachment agreement for the proposed porch and stairs be finalized.”

Carried.

**Application:** A-77/08  
**Applicant:** Tim Brown/Knight Electric  
**Agent:** Bob Desautels  
**Location:** 1388 Gordon Street  
**In Attendance:** Bob Desautels  
Court Desautels  
Aldo Mauro  
Tim Brown

The Vice Chair L. McNair asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Desautels replied the notice sign was posted and comments were received from staff.

Mr. Desautels explained runs The Woolwich Arms Pub downtown and would like to open an upper class restaurant. He explained that part of the restaurant would be for special events ie. weddings, business events. He is asking to be able to serve liquor later that midnight because of the special events.

Committee member A. Clos asked if the applicant had any problems with the conditions being asked for.

Mr. Desautels replied he did not have any problems with the conditions.

#### **A- 77/08**

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 A. Clos and seconded by P. Brimblecombe ,

“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 Sections 6.2.3.1.7.1 and 6.2.2.1 of Zoning By-law (1995)-14864, as amended, for Concession 8 Part Lot 7, municipally known as 1388 Gordon Street, to permit a tavern use which will allow the sale of liquor beyond 12:01 AM, when the By-law permits among other uses a restaurant which allows the sale of liquor until 12:00PM, be approved, subject to the following conditions;

1. That the outdoor patio be closed at 12:00 p.m. in accordance with the permitted restaurant use.
2. That no amplified music be permitted on the patio past 11:00 p.m.”

Carried.

Mr. Josephrajah of Application A-80/08 for 188 Clairfields Drive West requested to speak with the Committee. He was wondering if the decision could be changed to allow the existing fence post along Clair Road could remain at 2.6 metres back instead of the 3 metres requested by the Engineering department.

The Committee advised the applicant they had made a decision and could not change the decision now. The applicant would have to remove the fence post and comply with the condition as imposed.

Mr. Josephrajah then accepted the committee’s decision and left the meeting.

Meeting adjourned at 6:00 PM.

L. McNair  
Vice Chair

Stephanie Wesley, ACST  
Assistant Secretary-Treasurer,  
Committee of Adjustment.

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday September 9, 2008 at 4:30 p.m. in Council Committee Room B, City Hall, with the following members present:

R. Funnell, Chair  
L. McNair, Vice-Chair  
P. Brimblecombe  
A. Clos  
D. Kelly  
B. Birdsell

Regrets: J. Andrews

Staff Present: S. Laughlin, Planner  
K. Fairfull, Secretary-Treasurer

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Minutes from Last Meeting

Moved by A. Clos and seconded by R. Funnell,

“THAT the Minutes from the August 26, 2008 Regular Meeting of the Committee of Adjustment, be approved, as amended.”

Carried.

### Other Business

The Secretary-Treasurer advised she received notice from the Application A-36/08 at 15 Holland Crescent. The hearing will be held in the Council Chambers on October 30, 2008 at 10:30 a.m.

**Application:** A-84/08  
**Applicant:** Linda and Ross Sacco  
**Agent:** Linda and Ross Sacco  
**Location:** 110 Beechwood Avenue  
**In Attendance:** Linda and Ross Sacco

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mrs. Sacco replied the notice sign was posted and comments were received from staff.

Mr. Sacco explained the construction will not occur until the spring.

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. McNair and seconded by B. Birdsell,

“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 and Section 5.1.2.7 of Zoning By-law (1995)-14864, as amended, for 110 Beechwood Avenue, to construct a 3.96 metre by 9.75 metre (13 foot by 32 foot) two storey addition which will be situate 0.6 metres (2 feet) from the left side lot line and setback 1.88 metres (6.16 feet) from the Beechwood Avenue property line when the By-law requires a minimum side yard of 1.5 metres (4.92 feet) and a setback being the average of the setback of the properties having lot frontage within the same city block face [5.56 metres (18.24 feet)], be approved, subject to the following condition:

1. That the elevation and design of the proposed addition be submitted to, and approved by the Director of Community Design and Development Services, prior to issuance of a building permit.”

Carried.

**Application:** A-82/08  
**Applicant:** Terry and Tracey Tarzwell  
**Agent:** Ray Volk, Ray Volk Contracting  
**Location:** 40 Harts Lane, West  
**In Attendance:** Terry and Tracey Tarzwell  
Ray Volk

The Secretary-Treasurer advised there was a letter received in support of the application.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mrs. Tarzwell replied the notice sign was posted and comments were received from staff.

Mr. Tarzwell replied they have no reason to put any residential unit in the building as the area is required for storage.

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 B. Birdsell and seconded by D. Kelly,

“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 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for 40 Harts Lane, West, to construct a 6.1 metre by 9.14 metre (20 foot by 30 foot) accessory building in the rear yard with a height of 4.27 metres (14 feet) when the By-law requires an accessory building now exceed 3.6 metres (11.81 feet) in height [measured to the mid point between the eave and the ridge], be approved, subject to the following conditions:

1. That all or any portion of the accessory structure not be used as habitable space or for a home occupation.
2. That prior to any building permit being issued for the proposed garage, the owner shall demolish the existing detached garage.”

Carried.

**Application: A-85/08**  
**Applicant: Anne and Ken O'Donnell**  
**Agent: Anne and Ken O'Donnell**  
**Location: 33 Parkview Crescent**  
**In Attendance: Anne and Ken O'Donnell**

The Secretary-Treasurer advised there was a letter received in support of the application.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. O'Donnell replied the notice sign was posted and comments were received from staff.

There were no questions from the Committee.

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. Brimblecombe and seconded by B. Birdsell,

“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 4.5.5.1, 4.20.10.1, 4.20.10.3 and 4.6.1(ii) of Zoning By-law (1995)-14864, as amended, for 33 Parkview Crescent,

- a) to permit an above ground swimming pool to be situate in the exterior side yard, 2.02 metres (6.66 feet) from the Springdale Boulevard property line when the By-law requires that no outdoor swimming pool shall be located in any part of the required exterior side yard [within 4 metres (13.12 feet) of the Springdale Boulevard property line];
- b) to permit the existing 2.13 metre (7 foot) high fence extending from the front wall of the garage to and along the Springdale Boulevard property line a length of approximately 10.67 metres (35 feet) when the By-law permits a maximum height of 0.8 metres (2.62 feet) in the exterior side yard within 4 metres (13.12 feet) of a street property line, and,
- c) to permit the existing 2.13 metres (7 foot) high fence to be situate in a portion of the sight line triangle when the By-law requires that a fence, hedge, shrub or foliage have a maximum height of 0.8 metres above the travelled portion of the abutting streets within the corner sightline triangle,

be approved.”

Carried.

**Application:**            **A-86/08**  
**Applicant:**            **Mike and Carol Hadaway**  
**Agent:**                 **Mike and Carol Hadaway**  
**Location:**            **139 Neeve Street**  
**In Attendance:**      **Mike and Carol Hadaway**

The Secretary-Treasurer advised there was a letter received in support of the application.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Hadaway replied the notice sign was posted and comments were received from staff. He noted the concerns from staff and spoke with the adjacent neighbour and the fence layout has been amended to install a gate only beside the garage which will provide access to the side of the garage.

Staff and Committee members expressed concern a gate may restrict access to the easement.



Mr. Hadaway assured the Committee the gate would be designed to provide access to the easement when required.

The Committee requested the actual description of the fence location be itemized in 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 A. Clos and seconded by B. Birdsell,

“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 139 Neeve Street, to permit a 1.82 metre (6 foot) fence and gate in the Richardson Street front yard, with a gate being provided perpendicular to Richardson Street connecting to the front face of the accessory building at 141 Neeve Street and a fence extending from the gate to the Richardson Street property line, along the Richardson Street property line, maintaining the driveway sightline triangle to the existing driveway 5metres from Richardson Street, be approved, subject to the following conditions:

1. That the fence not be permitted to abut the maintenance easement adjacent to the accessory building at 141 Neeve Street.
2. That the owner removes the existing fence posts that are located within the driveway sight line triangles within thirty (30) days of the decision.
3. That a gate be constructed in front of the accessory building at 141 Neeve Street from the corner of the accessory building at 141 Neeve Street to a point perpendicular to the street property line to provide access to an easement for 141 Neeve Street.
4. That access to the legal easement be maintained.”

Carried.

**Application:** A-81/08  
**Applicant:** Christopher and Maria Traetto  
**Agent:** Christopher and Maria Traetto  
**Location:** 187 Clairfields Drive, West  
**In Attendance:** Christopher Traetto

The Secretary-Treasurer advised there were two emails submitted in support of the application.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Traetto replied the notice sign was posted and comments were received from staff. He brought package of pictures to view the property before making a decision.

There were no questions from the members of the Committee.

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. Kelly and seconded by P. Brimblecombe,

“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 4.20.10.3 of Zoning By-law (1995)-14864, as amended, for 187 Clairfields Drive, West, to permit a 1.9 metre (6.33 foot) to commence 5 metres (16.4 feet) behind the front wall of the dwelling and extending to and along the Clair Road West property line when the By-law requires any fence located in the exterior side yard shall not exceed 0.8 metres (2.62 feet) in height, be approved.”

Carried.

**Application: A-83/08**  
**Applicant: Jeff Cann/Jean Cann**  
**Agent: Jeff Cann/Jean Cann**  
**Location: 51 Borland Drive**  
**In Attendance: Jeff Cann**  
**Jamie Altman**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Jeff Cann replied the notice sign was posted and comments were received from staff. They had no further information to add to the application.

Committee member P. Brimblecombe questioned how difficult it would be to remove 2 feet from the deck.

Mr. Cann replied there is a noticeable drop along the rear lot line and would have a great affect on the deck and the ability to maintain the 2 feet.

Committee member D. Kelly questioned why they need to widen the driveway.

Mr. Cann replied the driveway is only 18 feet wide and they have to walk on the grass to get into their vehicle. He noted the extension would allow access to the front door of the building and a hard surface to enter their vehicles.

Chair R. Funnell questioned if the applicant had any objection to amending the width of the driveway to address the concerns from Engineering Services.

Mr. Cann replied they have no objection to the recommendations and they understood they would have to pay for the curb cut. He noted the driveway extension would not be completed until next spring.

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. McNair and seconded by P. Brimblecombe,

“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 4.7 – Row 1, Table 5.1.2 – Row 12 and Section 4.5.1.2 of Zoning By-law (1995)-14864, as amended, for 51 Borland Drive,

- a) to permit an existing deck in the rear yard which is 0.3 metres (1 foot) above grade to be situate 0 metres from the lot lines when the By-law requires a deck in a rear yard be located 0.6 metres (1.96 feet) from any lot line;
- b) to permit the existing 1.82 metre by 4.57 metre (6 foot by 15 foot) shed in the left side yard to be located 0.3 metres (1 foot) from the left side lot line when the By-law requires accessory structures be situate a minimum of 0.6 metres (1.96 feet) from any lot line, and,
- c) to permit a expansion of the existing driveway, which will occupy 58% of the front yard when the By-law requires the driveway shall not constitute more than 50% of the front yard, and,
- d) to permit a 0.4 metre (1.3 foot) metre landscaped strip when the By-law requires a 0.6 metre (1.96 foot) landscaped strip be provided between the driveway and the nearest lot line and the landscaped strip be maintained in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species,

be approved, subject to the following conditions:

1. That the owner shall pay for the actual cost of the construction of the new driveway entrance including the required curb cut, with the estimated cost of the works to be determined by the City Engineer.
2. That a landscape strip having a minimum width of 0.4 m (1.3 ft.) be provided between the driveway and the southerly side lot line.”

Carried.

**Application:**           **A-66/08**

**Applicant:**           **Timothy Katerberg**

**Agent:**               **Timothy Katerberg**

**Location:**           **109 Emma Street**

**In Attendance:**      **Tim Katerberg**  
                              **Sylvia Jones**  
                              **Edna Harper**  
                              **Vicki Harper**  
                              **Mike Cushing**  
                              **Karen Bowman**  
                              **Bruce Watson**  
                              **Al Martone**

The Secretary-Treasurer advised there were letters received on the application which were circulated to the Committee members with the staff recommendations.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Katerberg replied the notice sign was posted and comments were received from staff. He noted the Committee deferred the application to have a grading and drainage plan prepared and submitted for staff review. He noted there was concern expressed from the neighbours about the lighting resulting in the fence along the rear lot line being extended 2.5 feet.

Chair R. Funnell noted when reviewing the drainage plan the property will sheet drain to the street.

In response to questions from the Committee, Planner S. Laughlin explained a 6 foot solid board fence with 50% open lattice can be constructed up to 10 feet in height in a rear yard.

Sylvia Jones addressed her concerns about the application in a letter and noted she did not support cars in the rear yard as it would affect the value of her home.

Committee member A. Clos clarified if the parking is created in the rear yard, it would result in landscaping being provided in the front yard. She questioned if there was a detached garage located in the rear yard of 113 Emma which would block the view of the proposed parking lot.

Al Martone explained he owns 107 Emma Street and expressed concern about the garbage and inoperable vehicles which have been on the property over the years.

Chair R. Funnell noted there is municipal by-law which can address those concerns. He recommended Mr. Martone contact municipal staff.

Mrs. Harper read her letter submitted in objection to the application. She questioned if the parking lot will be paved and if the parking lot is sloped for surface drainage. She further questioned if there would be a retaining wall constructed along the rear lot line and if so how high it would be. She further questioned if an inspection is performed after the site is developed to confirm compliance with the site plan.

Planner S. Laughlin explained the parking lot will be paved, the parking lot will have surface drainage to Emma Street, and an inspection will be performed by staff when the site is developed to confirm compliance with the site plan. She explained the grading at the property limits will remain the same.

Mrs. Harper questioned how high a proposed retaining wall/curb stops would be.

Mr. Katerberg replied there will be curb stops (6") and it will be landscaped .5 metre to rear lot line.

Chair R. Funnell noted the details on the plan will be reviewed under Section 41 of the Planning Act and site development will be determined by staff.

Bruce Watson resides at 24 Sunnylea Crescent . He noted when he sits on his front porch he looks at green space and would like this maintained. He noted if the application was approved he would prefer to see a 6 foot solid board fence constructed on top of any retaining wall which would be required.

Mr. Cushing resides at 19 Sunnylea Crescent, to the rear of the subject property. He explained he does not want a parking lot in his rear yard and expressed concern it could wash out his pool.

Karen Bowman resides at 19 Sunnylea Crescent. She read a letter submitted in objection to the application.

Committee member L. McNair noted there is no option but to provide parking in the rear yard because of the road allowance would not permit parking in the front yard. He expressed concern about the driveway aisle width to access the proposed parking.

Committee member P. Brimblecombe expressed concern about the little common amenity area which will be provided when the parking area is created in the rear yard.

Committee member L. McNair suggested the applicant could obtain an encroachment agreement and provide parking in the front yard.

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Committee member B. Birdsell noted he would not object to the number of parking spaces being reduced and provided in the front yard.

Mr. Katerberg noted the site was reviewed in detail by Planning staff and the site plan before the Committee is the best solution possible.

Sylvia Jones expressed concern about more parking occurring to the front of the building with street snow removal and the ability to park.

In response to a question from Committee member P. Brimblecombe, Planner S. Laughlin noted there is no formal parking on the property now as most of the parking occurs on the City boulevard.

Committee member L. McNair explained the property taxes increase dramatically if more than six units exist on a property. He suggested the applicant research the cost of a potential seventh unit.

Mr. Katerberg replied he would check into this. He noted the application was deferred last meeting to address two issues – grading and drainage and fencing – and the two issues have been addressed. He questioned if new issues are now being introduced.

Mr. Cushing noted the elevation of the property will have to be raised to allow for sheet drainage to Emma Street which may affect his property.

Committee member D. Kelly expressed concern about the safety issue for the fence and the existing pool to the rear of the property.

Planner S. Laughlin noted this would have to be reviewed back at the office as she is not familiar with the Swimming Pool By-law.

Committee member D. Kelly and Chair R. Funnell expressed concerns about the potential back slope and snow melting.

Committee member A. Clos noted the plan has been to site plan review committee and staff has reviewed the grading and drainage plan. She expressed concern it is not the Committee's job to review the grading and drainage plan and compliance with the Swimming Pool By-law.

Committee member D. Kelly questioned if staff reviews the potential increased traffic and noise on the street.

Planner S. Laughlin explained Engineering Services staff reviews increased traffic and if there was concern they will request a Traffic Impact Study.

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. Brimblecombe and seconded by D. Kelly,

“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 Sections 5.4.2.1, 5.4.2.4.1, 4.13.2.2, 4.13.2.2.2, 4.13.4.3 and 4.13.7.1 of Zoning By-law (1995)-14864, as amended, for 109 Emma Street, to create two additional dwelling units within the existing five unit building and construct a parking area in the rear yard, and,

- a) to permit the existing left side yard of 3.8 metres (12.47 feet) when the By-law requires the minimum side yard of 7.5 metres (24.6 feet) where windows of a habitable room face on a side yard,
- b) to permit 53.4 square metres (574.79 square feet) of amenity area when the By-law requires the minimum common amenity area be not less than 30 square metres per dwelling unit for each up to 20 units [210 square metres (2,260.42 square feet) required];
- c) to permit the off-street parking spaces to be situate 0.5 metres (1.64 feet) from the lot lines in the rear yard when the By-law requires every off-street parking space in the side or rear yard be located a minimum of 3 metres (9.84 feet) of any lot line;
- d) to permit the off-street parking spaces to be situate 0.5 metres (1.64 feet) from habitable room windows in the rear yard and 1.5 metres (4.92 feet) from habitable room windows in the right side yard when the By-law requires no part of any surface driveway or surface parking area shall be located within 3 metres (9.84 feet) of any lot line;
- e) to permit 10 off-street parking spaces when the By-law requires 1.5 off-street parking spaces be provided for each of the first 20 units [11 off-street parking spaces required], and,
- f) to permit the driveway/parking aisle to have a width of 4.5 metres (14.76 feet) when the By-law requires the access to required off-street parking spaces by one driveway have a minimum width of 6 metres (19.68 feet) throughout its length,

be refused.”

Carried.

Moved by B. Birdsell and seconded by L. McNair

“THAT the deferral fee paid for Application A-66/08 be refunded.”

Carried.

The meeting adjourned at 7:45 p.m.

R. Funnell  
Chair

K. E. Fairfull, ACST  
Secretary-Treasurer

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday October 14, 2008 at 4:30 p.m. in Council Committee Room B, City Hall, with the following members present:

L. McNair, Chair  
J. Andrews  
D. Kelly  
A. Clos  
P. Brimblecombe  
B. Birdsell

Regrets: R. Funnell

Staff Present: S. Laughlin, Planner  
K. Fairfull, Secretary-Treasurer

### Declarations of Pecuniary Interest

Committee member A. Clos declared a pecuniary interest for Application A-97/08 at 687 Eramosa Road, as the abutting neighbour has an active zoning amendment application and she is their agent, along with Applications B-29/08 to B-38/08 at 410 Clair Road, East, as one of the owners is a client.

### Approval of Minutes

Moved by D. Kelly and seconded by P. Brimblecombe,

“THAT the Minutes from the September 9, 2008 Regular Meeting of the Committee of Adjustment, be approved, as amended.”

Carried.

### Other Business

The Secretary-Treasurer noted the Code of Conduct adopted by City Council had been distributed to Committee members.

The Secretary-Treasurer advised on September 29, 2008 she received and appeal from Tim Katerberg, the owner of 109 Emma Street against the City's decision of refusal. She noted the file has been forwarded to the Ontario Municipal Board.



**Application:**           **A-88/08**  
**Applicant:**           **Sargent Holdings Inc.**  
**Agent:**               **Ian Fraser**  
**Location:**           **35 Airpark Place**  
**In Attendance:**   **Ian Fraser**  
                              **Robert Mason**

The Secretary-Treasurer read a letter from Mr. Mason expressing concerns with the application.

Vice Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Fraser replied the notice sign was posted and comments were reviewed. He explained he opened his business 4 years ago and received the required paper work. He agreed with the concerns expressed by Mr. Mason regarding vehicles utilizing the abutting property to exit the property. He noted he has advised his customers not to use the abutting property.

Committee member A. Clos noted the application was submitted for a vehicle speciality repair shop and the business could be considered a service station.

Mr. Fraser replied his business is a specialized use however it could be considered a service station.

Committee member A. Clos was concerned about a fence being the sole responsibility of one tenant of the property.

Robert Mason explained he represents the owners of 45 Airpark Place. He requested the municipality impose the same restrictions as a tenant in their building. He noted the barrier should be the responsibility of the applicant. He noted this may be accomplished by a chain link fence or a physical to prohibit vehicles from using 45 Airpark Place.

Committee member J. Andrews suggested they appear before the Fence Viewers to arbitrate the construction of a fence.

Mr. Fraser noted his unit is only 30 feet wide and they are requesting a 130 foot long fence.

Mr. Mason noted he would be willing to meet with the applicant to resolve his concerns.

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 J. Andrews and seconded by B. Birdsell,

“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 35 Airpark Place, Unit 3, to permit the 139.35 square metre (1,500 square foot) vehicle service station when the By-law permits a repair service, towing establishment, tradesperson’s shop, trucking operation and within an industrial mall, among other uses, a repair service, tradesperson’s shop and vehicle specialty repair shop, be approved.”

Carried.

Committee member A. Clos, having declared a pecuniary interest for the next application, left the room.

**Application: A-97/08**  
**Applicant: Cox Construction Limited**  
**Agent: Laverne Hartung/Russell Cox**  
**Location: 687 Eramosa Road**  
**In Attendance: Steve Gardiner**  
**Bill Hartung**

Vice-Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Hartung replied the notice sign was posted and comments were received from staff. He requested clarification on the recommended conditions and the works required to obtain the approvals to obtain a building permit.

Planner S. Laughlin replied the site plan has been submitted and has been before the Site Plan Committee. She invited the applicant to call the office to explain the municipal requirements.

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. Brimblecombe and seconded by D. Kelly,

“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 4.5.2.2 and 6.4.3.1.38.1 of Zoning By-law (1995)-14864, as amended, for 687 Eramosa Road, to permit a 12.19 metre by 19.5 metre (40 foot by 64 foot) coverall with a height of 6.1 metres (20 feet) to be located in the rear yard area when the By-law permits only buildings or structures which existed on the date of the passing of the By-law (1995) and limits the height of accessory structures to a maximum of 4.5 metres (14.76 feet), be approved, subject to the following conditions:

1. That the applicant deeds to the City free of all encumbrances a 5.182-metre (17.0-feet) wide parcel of land for a road widening across the entire frontage of number 687 Eramosa Road as shown on the applicants site plan, prior to site plan approval.
2. That the owner receives approval from the City for a site plan under Section 41 of the Planning Act, prior to the issuance of a building permit. Furthermore, the owner shall develop the property in accordance with the approved site plan.
3. The owner pays the estimated costs associated with the construction of a concrete sidewalk across the entire Eramosa Road frontage, as determined by the City Engineer, prior to site plan approval.
4. That the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of seven off-street parking spaces, prior to the issuance of a building permit.”

Carried.

Committee member A. Clos was summoned back to the room.

**Application:**           **A-89/08**

**Applicant:**           **AG Energy Cooperative Limited**

**Agent:**               **Richard Mash**

**Location: 45 Speedvale Avenue, East**

**In Attendance: Richard Mash  
Mike Bouk**

Vice Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Mash replied the notice sign was posted and comments were received from staff. He explained AG Energy owns the building was invited to be involved in the Community Energy Plan. He noted they received monies from corporations to initiate more solar powered projects and application has been submitted to install a solar sunflower to bring attention to energy savings initiatives in the community. In response to a concern expressed by staff, they agreed to move the base of the 6.4 metre high solar collector a minimum of 6.4 metres from any lot line. He noted they do not support the location suggested by staff as it would result in the removal of a mature tree. He noted they are confident an acceptable location can be established which would be satisfactory to Engineering Services staff and the utilities.

Committee member A. Clos questioned if they would have any objection to including a condition the solar collector be situate a minimum of 6.4 metres from all lot lines, with the location being to the satisfaction of the City Engineer.

Mr. Mash replied they would have no objection to this recommendation. He noted the change in location may also address the concerns from Guelph Junction Railway.

Committee member A. Clos questioned if they had any discussion with Guelph Junction Railway.

Mr. Mash replied they assumed the solar collector was located far enough away from the spurline there would not be an issue. He noted the study required may prove to be cost prohibitive for the project.

Committee member B. Birdwell advised he has been through the process recommended by Guelph Junction Railway and once they find the appropriate engineer it will be fairly easy to prepare the report.

Mike Bouk agreed to meet with representatives from Guelph Junction Railway to determine their requirements; however they would prefer to approach them with a decision from the Committee.

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 A. Clos and seconded by P. Brimblecombe,

“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 4.5.2.2 of Zoning By-law (1995)-14864, as amended, for 45 Speedvale Avenue, West, to install a solar collector/panel with an overall height of 6.4 metres (21 feet) when the By-law limits the height of an accessory structure to a maximum of 4.5 metres (14.76 feet), be approved, subject to the following conditions:

1. That the owner develops the property in accordance with the as-built site plan, prior to the issuance of a building permit.
2. That the owner submits a design brief and foundation drawing stamped by a Professional Engineer showing how the solar collector/panel structure is connected to the foundation, satisfactory to the City Engineer, prior to the issuance of a building permit.
3. That the solar collector be located a minimum of 6.4 metres from any property line, with the location being to the satisfaction of the City Engineer.
4. That the final location of the proposed solar collector/panel be to the satisfaction of Engineering and Planning staff as it relates to Speedvale Avenue East and the proposed Trans-Canada Trail.
5. The applicant have a Road Railway Safety Audit for both current and gated conditions to be undertaken to confirm that the proposal as indicated will not effect crossing safety. This report should be undertaken by a professional engineer qualified to undertake Road Railway Safety Audits and be a form acceptable to the Guelph Junction Railway.
6. That prior to placement/construction, the applicant makes arrangements to ensure that adequate clearance is maintained between the proposed solar collector panels and existing overhead hydro lines, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.”

Carried.

**Application:**           **A-67/08**  
**Applicant:**           **Stirling Fisher**  
**Agent:**               **Stirling Fisher**  
**Location:**           **56 Hayes Avenue**

**In Attendance: Stirling Fisher**

Vice Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Fisher replied the notice sign was posted and comments were received from staff. He explained the application was deferred at a previous meeting in order for a survey plan to be prepared to identify the addition location. He noted the survey has been submitted which identifies the existing left side yard. He noted there have been extensive renovations on the property.

Committee member P. Brimblecombe questioned if a deck was constructed to the rear of the addition.

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Mr. Fisher replied a small deck less than 2' above grade has been constructed. He noted he also removed the window in the sunroom addition which was a concern from staff on the previous circulation.

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 J. Andrews and seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2-Row 7 of Zoning By-law (1995)-14864, as amended, for 56 Hayes Avenue, to permit a 3.2 metre by 4.87 metre (10.5 foot by 16 foot) sunroom addition to be situate 0.32 metres (1.04 feet) from the left side lot line when the By-law requires a minimum side yard of 1.2 metres (3.93 feet), be approved.”

Carried

Committee member A. Clos, having declared a pecuniary interest for the next applications, left the room.

**Applications: B-29/08 to B-38/08**

**Applicant: Reids Heritage Homes/Extendicare (Canada) Inc.**

**Agent: Peter Cheatley**

**Location: 410 Clair Road, East**

**In Attendance: Peter Cheatley  
Peter McConnachie  
Alfred Artinger**

Vice-Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Cheatley replied the notice signs were posted and comments were received from staff. He explained that Extencicare Canada owns the lands with the exception of a 10 foot strip of land fronting on Goodwin Drive. He noted the severances and land exchange will allow for the development of a long term care facility and eight residential parcels fronting on Goodwin Drive, which received approval from City Council. He noted the recommended conditions are similar to the conditions imposed for the zoning amendment with the exception of the recommendation for frontage charges for the Clair Road, East upgrade. He noted the frontage recommended in the zoning amendment did not include the vacant parcel to be purchased by Reid's Heritage Homes and is remaining in the agricultural zone at this time. He advised he discussed the concerns with staff in Engineering Services who agreed the frontage charges should apply to 84.13 metres for a total cost of \$62, 341.17.

Application Number B-29/08

Having had regard to the matters that are to be had regard to 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. Brimblecombe and seconded by B. Birdsell,

“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 Bloc 177, Registered Plan 61M-143, more particularly described as Part 22, Reference Plan 61R-10932, a parcel with a frontage along Goodwin Drive of 10.529 metres and a depth of 2.903 metres, as a lot addition to 410 Clair Road, East, being Part 1, Reference Plan 61R-10932, be approved, subject to the following conditions:

1. Prior to site plan approval and prior to any construction or grading on the lands, the developer shall submit a detailed Storm water Management Report and plans to the satisfaction of the City Engineer which demonstrates how storm water will be controlled and conveyed.
2. That the developer grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the

- City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.
3. Prior to site plan approval and prior to any construction or grading on the lands, the developer shall construct, install and maintain erosion and sediment control facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer.
  4. The developer shall pay to the City the actual cost of constructing and installing any service laterals required and furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
  5. The developer shall pay to the City the actual cost of constructing and installing the storm sewer required to service the property from Goodwin Drive, and furthermore, prior to site plan approval and prior to any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing approximately 57.0 metres of storm sewer required to service the property.
  6. The developer shall pay to the City the actual cost of the construction of the new access and the required curb cut, prior to site plan approval and prior to any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the new access/private road and the required curb cut.
  7. Prior to any development of the lands, the developer shall pay to the City \$62,341.17 (\$741.01 per metre frontage for 84.13 metres) which represents the frontage costs for the Clair Road East upgrade.
  8. Prior to any development of the lands, the developer shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
  9. That the developer 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 development of the lands.
  10. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.



11. That all telephone and Cable TV service to the lands be underground and the developer shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service prior to development of the lands.
12. That the zoning by-law for the proposed specialized R.4A zone and R.1D zone be certified prior to endorsement of the deeds.
13. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2004)-17361, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
14. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsement of the deeds, at the rate in effect at the time of the endorsement.
15. That the Developer shall complete a tree conservation and compensation plan for the entire property municipally known as 410 Clair Road East satisfactory to the Director of Community Design and Development Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between the proposed nursing home and the single-detached housing lots to the north and west of the site.
16. That prior to the endorsement of deeds, the developer pay future costs of the installation of a municipal sidewalk across the frontage of the subject property on Clair Road.
17. That prior to site plan approval the developer agrees to plant trees at a minimum tree caliper of 80 mm in size to achieve the buffering between the nursing home and the abutting single detached dwellings to the satisfaction of the Director of Community Design and Development Services.
18. That prior to site plan approval the developer agrees to modify the building façade to ensure it is more residential in nature.
19. That prior to the issuance of a building permit the developer agrees to implement the energy and water consumption measures as part of the

- development of the nursing home, to the satisfaction of the Director of Community Design and Development Services.
20. That the severed parcel of land be conveyed to the abutting owner as a lot addition only (Form 3 Certificate).
  21. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to October 17, 2009.
  22. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
  23. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
  24. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number B-30/08

Having had regard to the matters that are to be had regard to 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. Brimblecombe and seconded by B. Birdsell,

“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 Lot 10, Concession 8, more particularly described as Part 2, Reference Plan 61R-10932, a parcel with a frontage along Goodwin Drive of 32 metres and a depth of 169.2 metres, which will consolidate with Parts 20 and 21, Reference Plan 61R-10932

and be municipally known as 205 Goodwin Drive, be approved, subject to the following conditions:

1. That the Developer shall complete a tree conservation and compensation plan for the entire property municipally known as 410 Clair Road East satisfactory to the Director of Community Design and Development Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between the proposed nursing home and the single-detached housing lots to the north and west of the site.
2. The prior to issuance of a building permit, the applicant makes arrangements for provision of underground hydro servicing to the severed parcel, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
3. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to October 17, 2009.
4. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
5. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
6. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number B-31/08

Having had regard to the matters that are to be had regard to 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. Brimblecombe and seconded by B. Birdsell,

“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 Lot 10, Concession 8, described as Parts 3 to 10, Reference Plan 61R-10932, a parcel with a width of 73.6 metres and a depth of 29.097 metres, which will consolidate with Parts 11 to 18 and Part 23, Reference Plan 61R-10932, to allow street frontage on Goodwin Drive and will be municipally known as 185 to 199 Goodwin Drive, be approved, subject to the following conditions:

1. That the Developer shall complete a tree conservation and compensation plan for the entire property municipally known as 410 Clair Road East satisfactory to the Director of Community Design and Development Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between the proposed nursing home and the single-detached housing lots to the north and west of the site.
2. That the severed parcel be conveyed to the abutting owner (Parts 11 to 18, Reference Plan 61R-10932 as a lot addition only (Form 3 certificate)
3. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to October 17, 2009.
4. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
5. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
6. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk.”

Carried.

Application Number B-32/08

Having had regard to the matters that are to be had regard to 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. Brimblecombe and seconded by B. Birdsell,

“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 Lot 10, Concession 8 and Part of Block 175, Registered Plan 61M-143, being Parts 4 and 12, Reference Plan 61R-10932, to be municipally known as 187 Goodwin Drive, a parcel with a frontage of 9.2 metres and a depth of 32 metres, be approved, subject to the following conditions:

1. Prior to any development of the lands, the developer shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
2. That the developer 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 development of the lands.
3. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
4. That all telephone and Cable TV service to the lands be underground and the developer shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service prior to development of the lands.
5. That the zoning by-law for the proposed specialized R.4A zone and R.1D zone be certified prior to endorsonation of the deeds.
6. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2004)-17361, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-

- laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
7. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsement of the deeds, at the rate in effect at the time of the endorsement.
  8. That the Developer shall complete a tree conservation and compensation plan for the entire property municipally known as 410 Clair Road East satisfactory to the Director of Community Design and Development Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between the proposed nursing home and the single-detached housing lots to the north and west of the site.
  9. That prior to the issuance of a building permit the developer agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the Director of Community Design and Development Services to compensate for tree removal.
  10. That the developer acknowledges and agrees that the 8 dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
  11. That prior to the endorsement of the deeds, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
  12. That the Developer agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorsement of the deeds for the proposed lots for detached dwellings, the Developer's lawyer shall certify to the Director of Community Design and Development Services that there are no restrictive covenants which restrict the use of clotheslines.
  13. That the developer agrees to provide the Upper Grand District School Board with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing the following information:
    - a) Parcel fabric and street network.
  14. That prior to issuance of building permits, the applicant enters into a Servicing Agreement with Guelph Hydro Electric Systems Inc. for provision of underground hydro servicing to the proposed lots, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.

15. The applicant will be responsible for the cost of any modifications to the electrical distribution and street lighting systems to accommodate the proposed development.
16. That prior to endorsement of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the City Engineer and the City Solicitor, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.
17. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to October 17, 2009.
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 endorsement of the deed.
19. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
20. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk.”

Carried.

Application Number B-33/08

Having had regard to the matters that are to be had regard to 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. Brimblecombe and seconded by B. Birdsell,

“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 Lot 10,

Concession 8 and Part of Block 175, Registered Plan 61M-143, being Parts 5 and 13, Reference Plan 61R-10932, to be municipally known as 189 Goodwin Drive, a parcel with a frontage of 9.2 metres and a depth of 32 metres, be approved, subject to the following conditions:

1. Prior to any development of the lands, the developer shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
2. That the developer 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 development of the lands.
3. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
4. That all telephone and Cable TV service to the lands be underground and the developer shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service prior to development of the lands.
5. That the zoning by-law for the proposed specialized R.4A zone and R.1D zone be certified prior to endorsement of the deeds.
6. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2004)-17361, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
7. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsement of the deeds, at the rate in effect at the time of the endorsement.
8. That the Developer shall complete a tree conservation and compensation plan for the entire property municipally known as 410 Clair Road East satisfactory to the Director of Community Design and Development Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing



- additional landscaping and buffering between the proposed nursing home and the single-detached housing lots to the north and west of the site.
9. That prior to the issuance of a building permit the developer agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the Director of Community Design and Development Services to compensate for tree removal.
  10. That the developer acknowledges and agrees that the 8 dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
  11. That prior to the endorsonation of the deeds, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
  12. That the Developer agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorsonation of the deeds for the proposed lots for detached dwellings, the Developer's lawyer shall certify to the Director of Community Design and Development Services that there are no restrictive covenants which restrict the use of clotheslines.
  13. That the developer agrees to provide the Upper Grand District School Board with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing the following information:
    - a) Parcel fabric and street network
  14. That prior to issuance of building permits, the applicant enters into a Servicing Agreement with Guelph Hydro Electric Systems Inc. for provision of underground hydro servicing to the proposed lots, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
  15. The applicant will be responsible for the cost of any modifications to the electrical distribution and street lighting systems to accommodate the proposed development.
  16. That prior to endorsonation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the City Engineer and the City Solicitor, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.
  17. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of

- Adjustment along with the administration fee required for endorsement, prior to October 17, 2009.
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 endorsement of the deed.
  19. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
  20. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk.”

Carried.

Application Number B-34/08

Having had regard to the matters that are to be had regard to 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. Brimblecombe and seconded by B. Birdsell,

“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 Lot 10, Concession 8 and Part of Block 175, Registered Plan 61M-143, being Parts 6 and 14, Reference Plan 61R-10932, to be municipally known as 191 Goodwin Drive, a parcel with a frontage of 9.2 metres and a depth of 32 metres, be approved, subject to the following conditions:

1. Prior to any development of the lands, the developer shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.

2. That the developer 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 development of the lands.
3. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
4. That all telephone and Cable TV service to the lands be underground and the developer shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service prior to development of the lands.
5. That the zoning by-law for the proposed specialized R.4A zone and R.1D zone be certified prior to endorsement of the deeds.
6. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2004)-17361, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
7. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsement of the deeds, at the rate in effect at the time of the endorsement.
8. That the Developer shall complete a tree conservation and compensation plan for the entire property municipally known as 410 Clair Road East satisfactory to the Director of Community Design and Development Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between the proposed nursing home and the single-detached housing lots to the north and west of the site.
9. That prior to the issuance of a building permit the developer agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the Director of Community Design and Development Services to compensate for tree removal.

10. That the developer acknowledges and agrees that the 8 dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
11. That prior to the endorsonation of the deeds, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
12. That the Developer agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorsonation of the deeds for the proposed lots for detached dwellings, the Developer's lawyer shall certify to the Director of Community Design and Development Services that there are no restrictive covenants which restrict the use of clotheslines.
13. That the developer agrees to provide the Upper Grand District School Board with a digital file of the plan of subdivision in either ARC/INFO export of DXF format containing the following information:
  - a) Parcel fabric and street network
14. That prior to issuance of building permits, the applicant enters into a Servicing Agreement with Guelph Hydro Electric Systems Inc. for provision of underground hydro servicing to the proposed lots, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
15. The applicant will be responsible for the cost of any modifications to the electrical distribution and street lighting systems to accommodate the proposed development.
16. That prior to endorsonation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the City Engineer and the City Solicitor, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.
17. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to October 17, 2009.
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 endorsement of the deed.

19. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
20. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number B-35/08

Having had regard to the matters that are to be had regard to 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. Brimblecombe and seconded by B. Birdsell,

“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 Lot 10, Concession 8 and Part of Block 175, Registered Plan 61M-143, being Parts 7 and 15, Reference Plan 61R-10932, to be municipally known as 193 Goodwin Drive, a parcel with a frontage of 9.2 metres and a depth of 32 metres, be approved, subject to the following conditions:

1. Prior to any development of the lands, the developer shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
2. That the developer 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 development of the lands.
3. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.

4. That all telephone and Cable TV service to the lands be underground and the developer shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service prior to development of the lands.
5. That the zoning by-law for the proposed specialized R.4A zone and R.1D zone be certified prior to endorsonation of the deeds.
6. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2004)-17361, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
7. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsonation of the deeds, at the rate in effect at the time of the endorsonation.
8. That the Developer shall complete a tree conservation and compensation plan for the entire property municipally known as 410 Clair Road East satisfactory to the Director of Community Design and Development Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between the proposed nursing home and the single-detached housing lots to the north and west of the site.
9. That prior to the issuance of a building permit the developer agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the Director of Community Design and Development Services to compensate for tree removal.
10. That the developer acknowledges and agrees that the 8 dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
11. That prior to the endorsonation of the deeds, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.

12. That the Developer agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorsement of the deeds for the proposed lots for detached dwellings, the Developer's lawyer shall certify to the Director of Community Design and Development Services that there are no restrictive covenants which restrict the use of clotheslines.
13. That the developer agrees to provide the Upper Grand District School Board with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing the following information:
  - a) Parcel fabric and street network
14. That prior to issuance of building permits, the applicant enters into a Servicing Agreement with Guelph Hydro Electric Systems Inc. for provision of underground hydro servicing to the proposed lots, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
15. The applicant will be responsible for the cost of any modifications to the electrical distribution and street lighting systems to accommodate the proposed development.
16. That prior to endorsement of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the City Engineer and the City Solicitor, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.
17. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to October 17, 2009.
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 endorsement of the deed.
19. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
20. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 –

2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number B-36/08

Having had regard to the matters that are to be had regard to 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. Brimblecombe and seconded by B. Birdsell,

“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 Lot 10, Concession 8 and Part of Block 175, Registered Plan 61M-143, being Parts 8 and 16, Reference Plan 61R-10932, to be municipally known as 195 Goodwin Drive, a parcel with a frontage of 9.2 metres and a depth of 32 metres, be approved, subject to the following conditions:

1. Prior to any development of the lands, the developer shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
2. That the developer 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 development of the lands.
3. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
4. That all telephone and Cable TV service to the lands be underground and the developer shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service prior to development of the lands.
5. That the zoning by-law for the proposed specialized R.4A zone and R.1D zone be certified prior to endorsement of the deeds.
6. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law



- (2004)-17361, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
7. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsement of the deeds, at the rate in effect at the time of the endorsement.
  8. That the Developer shall complete a tree conservation and compensation plan for the entire property municipally known as 410 Clair Road East satisfactory to the Director of Community Design and Development Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between the proposed nursing home and the single-detached housing lots to the north and west of the site.
  9. That prior to the issuance of a building permit the developer agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the Director of Community Design and Development Services to compensate for tree removal.
  10. That the developer acknowledges and agrees that the 8 dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
  11. That prior to the endorsement of the deeds, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
  12. That the Developer agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorsement of the deeds for the proposed lots for detached dwellings, the Developer's lawyer shall certify to the Director of Community Design and Development Services that there are no restrictive covenants which restrict the use of clotheslines.
  13. That the developer agrees to provide the Upper Grand District School Board with a digital file of the plan of subdivision in either ARC/INFO export of DXF format containing the following information:
    - a) Parcel fabric and street network

14. That prior to issuance of building permits, the applicant enters into a Servicing Agreement with Guelph Hydro Electric Systems Inc. for provision of underground hydro servicing to the proposed lots, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
15. The applicant will be responsible for the cost of any modifications to the electrical distribution and street lighting systems to accommodate the proposed development.
16. That prior to endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the City Engineer and the City Solicitor, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.
17. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to October 17, 2009.
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 endorsement of the deed.
19. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
20. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number B-37/08

Having had regard to the matters that are to be had regard to 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. Brimblecombe and seconded by B. Birdsell,

“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 Lot 10, Concession 8 and Part of Block 175, Registered Plan 61M-143, being Parts 9 and 17, Reference Plan 61R-10932, to be municipally known as 197 Goodwin Drive, a parcel with a frontage of 9.2 metres and a depth of 32 metres, be approved, subject to the following conditions:

1. Prior to any development of the lands, the developer shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
2. That the developer 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 development of the lands.
3. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
4. That all telephone and Cable TV service to the lands be underground and the developer shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service prior to development of the lands.
5. That the zoning by-law for the proposed specialized R.4A zone and R.1D zone be certified prior to endorsonation of the deeds.
6. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2004)-17361, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
7. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsonation of the deeds, at the rate in effect at the time of the endorsonation.

8. That the Developer shall complete a tree conservation and compensation plan for the entire property municipally known as 410 Clair Road East satisfactory to the Director of Community Design and Development Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between the proposed nursing home and the single-detached housing lots to the north and west of the site.
9. That prior to the issuance of a building permit the developer agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the Director of Community Design and Development Services to compensate for tree removal.
10. That the developer acknowledges and agrees that the 8 dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
11. That prior to the endorsonation of the deeds, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
12. That the Developer agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorsonation of the deeds for the proposed lots for detached dwellings, the Developer's lawyer shall certify to the Director of Community Design and Development Services that there are no restrictive covenants which restrict the use of clotheslines.
13. That the developer agrees to provide the Upper Grand District School Board with a digital file of the plan of subdivision in either ARC/INFO export of DXF format containing the following information:
  - a) Parcel fabric and street network
14. That prior to issuance of building permits, the applicant enters into a Servicing Agreement with Guelph Hydro Electric Systems Inc. for provision of underground hydro servicing to the proposed lots, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
15. The applicant will be responsible for the cost of any modifications to the electrical distribution and street lighting systems to accommodate the proposed development.
16. That prior to endorsonation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the City Engineer

- and the City Solicitor, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.
17. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to October 17, 2009.
  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 endorsement of the deed.
  19. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
  20. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number B-38/08

Having had regard to the matters that are to be had regard to 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. Brimblecombe and seconded by B. Birdsell,

“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 Lot 10, Concession 8 and Part of Block 175, Registered Plan 61M-143, being Parts 10 and 18, Reference Plan 61R-10932, to be municipally known as 199 Goodwin Drive, a parcel with a frontage of 9.2 metres and a depth of 32 metres, be approved, subject to the following conditions:

1. Prior to any development of the lands, the developer shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
2. That the developer 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 development of the lands.
3. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
4. That all telephone and Cable TV service to the lands be underground and the developer shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service prior to development of the lands.
5. That the zoning by-law for the proposed specialized R.4A zone and R.1D zone be certified prior to endorstation of the deeds.
6. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2004)-17361, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
7. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorstation of the deeds, at the rate in effect at the time of the endorstation.
8. That the Developer shall complete a tree conservation and compensation plan for the entire property municipally known as 410 Clair Road East satisfactory to the Director of Community Design and Development Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between the proposed nursing home and the single-detached housing lots to the north and west of the site.
9. That prior to the issuance of a building permit the developer agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the

- satisfaction of the Director of Community Design and Development Services to compensate for tree removal.
10. That the developer acknowledges and agrees that the 8 dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
  11. That prior to the endorsonation of the deeds, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
  12. That the Developer agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorsonation of the deeds for the proposed lots for detached dwellings, the Developer's lawyer shall certify to the Director of Community Design and Development Services that there are no restrictive covenants which restrict the use of clotheslines.
  13. That the developer agrees to provide the Upper Grand District School Board with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing the following information:
    - a) Parcel fabric and street network
  14. That prior to issuance of building permits, the applicant enters into a Servicing Agreement with Guelph Hydro Electric Systems Inc. for provision of underground hydro servicing to the proposed lots, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
  15. The applicant will be responsible for the cost of any modifications to the electrical distribution and street lighting systems to accommodate the proposed development.
  16. That prior to endorsonation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the City Engineer and the City Solicitor, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.
  17. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to October 17, 2009.

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 endorsement of the deed.
19. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
20. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

The Secretary-Treasurer noted the applicant had submitted a written request for consideration of a portion of the application fees.

Moved by J. Andrews and seconded by D. Kelly,

“That a partial refund of the application fee in the amount of \$3,210.00 be granted in response to the request from Macaulay Shiomi Howson Ltd. for consideration of a partial refund of the application fees paid for Applications B-29/08 to B-38/08 at 410 Clair Road, East.”

Carried.

Committee member A. Clos was summoned back to the room.

**Application:**           **A-90/08**  
**Applicant:**           **Mike Favretto**  
**Agent:**               **Paul Magahay**  
**Location:**           **57 Glenholm Drive**  
**In Attendance:**   **Paul Magahay**  
                              **Tracey Lesperance**  
                              **Barb Piccoli**



**Kelly Davey**

Vice Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Magahay replied the notice sign was posted and comments were received from staff. He advised they wish to withdraw the variance for accessory building height as it was determined the variance was not required. He noted the accessory building will be used as a workshop and for storage for a boat with no loft area and will comply with the requirements of the By-law respecting location. He explained the applicant proposes to construct a two storey home and are requesting a left side yard to accommodate an indoor pool and tennis court in the future. He explained proper notice for the hearing did occur as the sketch accompanying the notice was correct and the comments from staff are based on the dimensions shown on the plan. He noted there was a typographical error in the notice and from the five properties circulated two properties face onto Stone Road and of the other two properties circulated, one is at the meeting.

Committee member A. Clos questioned why the sewage disposal system is subject to approval from Engineering Services staff when the Ministry of Environment was involved in these types of approvals in the past.

Committee member B. Birdsell suggested the condition should be amended to request the 'authorities having jurisdiction' review and approve the location of the septic tank.

Kelly Davey explained she resided adjacent to the property and could not support the variances requested with the existing size of the lot. She expressed concern there may be adequate area in the left side yard for a future severance.

Mr. Magahay explained a severance would not happen as it would require a zoning amendment and full municipal services before an application could be considered.

Committee member L. McNair questioned if the original zoning from Puslinch Township will be incorporated in the Zoning By-law update.

Planner S. Laughlin explained the Zoning By-law will not be updated until the Official Plan is updated. She noted the policies approved in the Official Plan will be incorporated into zoning categories in the Zoning By-law.

Mrs. Davey questioned if the septic tank location has been determined.

Paul Magahay replied the location has not been determined to date however they will comply with all applicable laws.

The Committee was satisfied the proper notice was given. The Committee instructed the accessory building height variance be withdrawn.

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 A. Clos and seconded by P. Brimblecombe,

“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 (10)(3)(d) of Township of Puslinch By-law, for 57 Glenholm Drive, to permit a residential dwelling with 6.05 metre interior (right) side yard when the By-law requires an interior side yard of 10 metres (32.8 feet), be approved, subject to the following conditions:

1. Prior to the issuance of a building permit, the owner shall demonstrate, to the satisfaction of the City Engineer and the City’s Plumbing/Sewage System Inspector, that the property can and will be serviced with a private sewage disposal system.
2. Prior to the issuance of a building permit, the owner shall demonstrate, to the authorities having jurisdiction that the private sewage disposal system can and will be constructed so that it can never contaminate the ground water.
3. That prior to issuance of a building permit, the applicant makes arrangements for provision of an underground hydro service to the dwelling, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
4. That prior to issuance of a building permit, the applicant submits a site plan showing the driveway location maintaining a minimum clearance of 1.5 metres from the existing hydro pole, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. If this clearance is not provided, relocation of the existing hydro pole will be at the owner’s expense.”

Carried.

**Application:** A-91/08  
**Applicant:** Nara Sou  
**Agent:** Kelly Romanick  
**Location:** 78 Norfolk Street  
**In Attendance:** Ty Sou

**Kelly Romanick**

Vice-Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. Romanick explained they propose to convert the residence on the third storey to a yoga studio and provide changes rooms in the basement area.

Committee member J. Andrews questioned how staff could ensure proper documentation was presented if the practitioner changes.

The Secretary-Treasurer explained recent changes in the Business Licensing By-law requires business licenses for registered message therapists.

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. Brimblecombe and seconded by J. Andrews,

“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 6.5.3.15.1 of Zoning By-law (1995)-14864, as amended, for 78 Norfolk Street, to a permit a 91.69 square metre (987 square foot) commercial school (yoga studio) on the second floor with associated change rooms, including washrooms and showers in the 46.82 square metre (504 square foot) basement while retaining a 91.69 square metre (987 square foot) medical office for massage therapy on the main floor, be approved, subject to the following condition:

1. That prior to the issuance of a building permit, documentation be provided which demonstrates that the proposed health practitioner is a Registered Massage Therapist or any registered health practitioner.”

Carried.

**Application: A-92/08**

**Applicant: Michael Oosterveld**

**Agent: Katherine Reilly**

**Location: 110 Norwich Street/195 Arthur Street, North**

**In Attendance:**     **Michael Oosterveld**  
                          **Shirley Oosterveld**  
                          **Katherine Reilly**  
                          **Mike Marcolongo**  
                          **Kelly Romanick**

Vice-Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. Reilly replied the notice sign was posted and comments had been received. She explained the C.1 zone allows a day care and an art studio as permitted uses. She advised she currently run a studio on Suffolk Street and is proposing to establish an art school for children, which is considered a commercial school. She explained off-street parking is not required for this use as many parents drop their children off for lessons. She noted the neighbourhood has been very supportive of the proposed use.

Committee member B. Birdsell questioned how many students are taught at one time.

Ms. Reilly replied there is 10-12 children maximum each lesson.

Kelly Romanick explained she just moved to the neighbourhood and her son looking forward to visiting the site.

Committee member B. Birdsell noted that when viewing the site he did not see the removal of asphalt as a necessary change.

Planner S. Laughlin noted Engineering staff recommended the removal of asphalt with the previous application for this property.

Mike Marcolongo explained he resided at 19 Mitchell Street and noted this corner is a high pedestrian/cycling area. He requested the Committee consider keeping the asphalt to the front of the building.

Ms. Reilly noted the asphalt area is a great spot to drop off and pick up children.

Committee member B. Birdsell advised he would not encourage using the asphalt area for this purpose.

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 B. Birdsell and seconded by A. Clos,

“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 Section 4.13.4.2, 4.15.2.4 and 6.1.1 of Zoning By-law (1995)-14864, as amended, for 195 Arthur Street, North/110 Norwich Street to establish a 44.87 square metre (483 square foot) commercial school (art studio with instruction, art-birthday parties) while retaining three residential units when the By-law permits an artisan studio, convenience store, day care centre, group home, personal service establishment, restaurant (take-out) and dwelling units (with permitted commercial uses in the same building) and to permit one off-street parking space when the By-law requires a total of 6 off-street parking spaces, be approved, subject to the following conditions:

1. That prior to the use of the variety store area as a commercial school, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of the main building, overhangs, chimney breast, wall mounted telephone booth, wall mounted air conditioner, wall mounted satellite dish, and rain water leader on the Arthur Street and Norwich Street road allowance.
2. That notice is given in any rental or lease agreement for the three residential units that parking is not provided or permitted for these units or, alternatively, the applicant acquires three permits for parking spaces in the Norwich Street lot for the residential units.”

Carried.

**Application:** A-96/08  
**Applicant:** Amarjit Furmah/Baljit Hira  
**Agent:** Amarjit Furmah/Baljit Hira  
**Location:** 107 Westmount Road  
**In Attendance:** Amarjit Furmah

Vice-Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Furmah replied the notice sign was posted and comments were received from staff. He expressed concern about widening the driveway and the costs associated with the recommendation.

Chair L. McNair noted staff has concern about three cars being stacked in the single driveway.

Planner S. Laughlin noted there is an existing gravel area adjacent to the driveway and staff assumed the driveway would be widened to accommodate parking for the accessory unit. She noted the applicant requires three off-street parking spaces and the By-law allows two only being stacked.

Committee member P. Brimblecombe questioned if the accessory apartment existed when the applicant purchased the house.

Mr. Furmah replied he widened the driveway and a complaint was filed. He explained he applied for the building permit for the accessory unit and was advised the unit was oversized.

After discussion, the Committee requested a site plan be submitted for review and detailed drawings of the accessory be submitted to determine the actual area of the unit. They further noted the application has been submitted in response to a complaint, therefore the information should be brought back to the Committee as soon as possible.

Moved by P. Brimblecombe and seconded by D. Kelly,

“THAT Application A-96/08 for Amarjit Furmah at 107 Westmount Road, be deferred until the December 16, 2008 Regular Meeting of the Committee of Adjustment and that a site plan and renovation drawings be submitted to staff no later than November 19, 2008.”

Carried.

Moved by B. Birdsell and seconded by J. Andrews,

“THAT the deferral fee not be applied for Application A-96/08 at 107 Westmount Road.”

Carried.

**Application:** A-87/08  
**Applicant:** John Czepil  
**Agent:** John Czepil  
**Location:** 62 Washburn Drive  
**In Attendance:** John and Rufina Czepil  
Matthew Schustyk  
Shantelle Hemphill

Vice Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Czepil replied the notice sign was posted and comments were received from staff. He noted a retaining wall was constructed along Eastview Road which stopped along the front portion of the left side lot line. He noted there is no access to Eastview Road from Washburn Drive and many residents are trespassing through his property to access the bus stop on Eastview Road. He noted the City planted some shrubbery along Eastview Road however this is not deterring the trespassing. He explained the proposed fence would deter pedestrians from using his property to access the road.

Committee member A. Clos noted staff has requested the application be deferred to allow staff to explore possible acquisition of a portion of the property to allow access to Eastview Road.

Mr. Czepil replied he could install a fence and remove the last two sections if a future walkway is implemented. He further questioned who would maintain the walkway in the winter months. He did not agree with deferral of the application as he would like to install the fence before winter months.

Committee member D. Kelly noted the applicant would still require a variance for fence height.

Planner S. Laughlin noted a meeting has been scheduled with staff about a possible walkway and if approved would not be implemented until the reconstruction of Eastview Road.

Chair L. McNair questioned how long the fence was.

Mr. Czepil replied the fence is approximately 168 feet in length.

Neighbours Matthew Schustyk and Shantelle Hemphill objected to a solid fence being constructed as it would interfere with their view.

Moved by P. Brimblecombe and seconded by B. Birdsell,

“THAT Application A-87/08 for John Czepil at 62 Washburn Drive, be deferred until the November 4, 2008 Regular Meeting of the Committee of Adjustment.”

Carried.

Moved by D. Kelly and seconded by J. Andrews,

“THAT the deferral fees not apply for Application A-87/08 at 62 Washburn Drive.”

Carried.

**Applications:** B-39/08, B-40/08, A-93/078, A-94/08 and A-95/08

**Applicant:** Gidzinski/Sollazzo

**Agent:** Allen Remley/Nancy Shoemaker

**Location:** 117 Liverpool Street

**In Attendance:** Ian Robinson  
Al and Cathy Remley  
Annabel Davidson  
June Hofland  
Christopher Campbell  
Alan Mason  
David Nasby  
Christine Turcot  
Julie Fields  
Johathan Lavery  
John and Bryna McLeod  
Sandra Tyson  
Chris Turcott  
Brian McKenna  
Jennifer Maddock  
Irenka and Tom Keough  
Jody McCurdy  
Lisa bishop  
Veronique Bequin  
Maureen Evans  
Colleen Montgomery  
Sue Buffett  
Sara Fogler  
Beth Parker

Vice Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Robinson replied the notice sign was posted and comments were received from staff. He requested the Committee consider deferral of the application to address the concerns of the neighbours and they will advise the Secretary-Treasurer when they would like to bring the applications back for consideration.

Moved by P. Brimblecombe and seconded by J. Andrews,



“THAT Applications B-39/08, B-40/08, A-93/08, A-94/08 and A-95/08 for Gidzinski/Sollazzo at 117 Liverpool 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 application fee be paid prior to reconsideration of the application.”

Carried.

The meeting adjourned at 8:10 p.m.

L. McNair  
Chair

K. Fairfull  
Secretary-Treasurer

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday November 4, 2008 at 4:30 p.m. in Council Committee Room C, City Hall, with the following members present:

R. Funnell, Chair  
L. McNair  
P. Brimblecombe  
D. Kelly  
J. Andrews  
A. Clos (from 5:10 p.m.)

Regrets: B. Birdsell

Staff Present: S. Laughlin, Planner  
K. Fairfull, Secretary-Treasurer

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Minutes from the Last Meeting

Moved by L. McNair and seconded by J. Andrews,

“THAT the Minutes from the October 14, 2008 Regular Meeting of the Committee of Adjustment, be approved, as printed and circulated.”

Carried.

### Other Business

The Secretary-Treasurer advised the Ontario Municipal Board hearing for 15 Holland Crescent was held on October 30, 2008. She noted municipal staff did not appear at the hearing.

**Application:** B-39/08  
**Applicant:** 6 & 7 Developments Limited  
**Agent:** Jeffrey Warren, Blaney McMurtry  
**Location:** 11 Woodlawn Road, West  
**In Attendance:** Brad Keast

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Keast replied the notice sign was posted and comments were received from staff. He explained that after reviewing the comments from staff and during discussions with Mr. Hannah they discovered they may need to change the lease parcel when taking into consideration a proposed transit terminal and 'L' shaped parcel building being proposed.

Moved by L. McNair and seconded by D. Kelly,

"THAT Application B-39/07 for 6 & 7 Developments Limited at 11 Woodlawn Road, West, 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 application fee be paid prior to reconsideration of the application."

Carried.

**Application:** A-101/08  
**Applicant:** George Carere  
**Agent:** George Carere  
**Location:** 75-79 Suffolk Street, West  
**In Attendance:** George Carere

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Carere replied the notice sign was posted and comments were received from staff. He noted it was an excellent use of the property as the tenant will be selling books with less traffic than the previous art studio. He noted three parking spaces exist to the front of the site to support the use however the reconstruction of Suffolk Street resulted in the curb cut being removed.

Committee member L. McNair questioned if there was parking on site.

Mr. Carere replied that when purchased the property in 1970 he had three spaces to the front of the building. He explained when municipality reconstructed Suffolk Street they removed the curb cut. He approached staff about the loss of parking and did get empathy but the curb cut was never completed.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by D. Kelly and seconded by P. Brimblecombe,

“THAT in the matter of an application under Section 45(2)(a)(ii) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to change the legal non-conforming use for 75-79 Suffolk Street, West, to permit a retail establishment (sale of books) in the ground floor unit (#79 Suffolk Street, West) while retaining three residential units, be approved.”

Carried.

**Application:** A-96/08  
**Applicant:** Amarjit Furmah/Baljit Hira  
**Agent:** Amarjit Furmah  
**Location:** 107 Westmount Road  
**In Attendance:** Amarjit Furmah

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Furmah replied the notice sign was posted and comments were received from staff. He had no further information to add to the application.

Committee member L. McNair questioned if staff was comfortable there would be two bedrooms.

Planner S. Laughlin replied staff has reviewed the plans and are comfortable there will only be two bedrooms.

Committee member L. McNair questioned if the driveway be widened.

Mr. Furmah replied the driveway will be widened and a curb cut widening will be applied for.

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. McNair and seconded by J. Andrews,

“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 107 Westmount Road, to permit an

accessory apartment with an area of 97.83 square metres (1,053 square feet), occupying 42% of the total floor area of the building when the By-law requires that an accessory apartment have a maximum floor area of 80 square metres (861.11 square feet) and not exceed 45% of the total floor area of the building, be approved, subject to the following conditions:

1. That the owner shall pay for the actual cost of the construction of the new driveway entrance including the required curb cut, with the estimated cost of the works, as determined necessary by the City Engineer being paid, prior to the issuance of a building permit.
2. That prior to the issuance of a building permit, the owner submits a site plan to the Director of Community Design and Development Services and the City Engineer showing that the existing driveway and the new gravel area will support the required number of parking spaces without encroaching onto the City road allowance.
3. That the accessory apartment be limited to an area not exceeding 97.83 m<sup>2</sup> (1,053 sq. ft.).”

Carried.

**Application:** A-100/08  
**Applicant:** Leslie and Roger Cockerline  
**Agent:** Leslie and Roger Cockerline  
**Location:** 142 Cork Street, West  
**In Attendance:** Roger Cockerline

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Cockerline replied the notice sign was posted and comments were received from staff. He had no further information to add to the application.

Committee member L. McNair questioned if the original addition received Committee of Adjustment approval.

Mr. Cockerline replied the addition was constructed in 1988 before they purchased their home and did not receive a variance approval.

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 J. Andrews and seconded by P. Brimblecombe,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2-Row 7 of Zoning By-law (1995)-14864, as amended, for 142 Cork Street, West to permit the existing 59 square metre (635 square foot) rear addition constructed in 1988 and a proposed 3.34 square metre (36 square foot) which will be constructed in line with the existing building wall along the left side lot line, being 1.4 metres (4.59 feet) from the left side lot line when the By-law requires a minimum side yard of 1.5 metres (4.92 feet), be approved.”

Carried.

Committee member A. Clos arrived at the meeting at 5:10 p.m.  
She advised she had no declarations of pecuniary interest.

**Application: A-103/08**  
**Applicant: Michael Harrison and Susan French-Harrison**  
**Agent: Susan French-Harrison**  
**Location: 54 Glasgow Street, North**  
**In Attendance: No One**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Planner S. Laughlin distributed pictures identifying the sign had been posted.

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. McNair and seconded by P. Brimblecombe,

“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 4.19.1(i) and (iii) of Zoning By-law (1995)-14864, as amended, for 54 Glasgow Street, North, to permit a home occupation (office) to occupy the second floor of the accessory building when the by-law requires that every home occupation shall be conducted within the enclosed portion of the dwelling unit and that every home occupation shall be conducted entirely within a dwelling unit and shall not occupy any portion of a garage, carport or accessory building or structure, be approved.”

Carried.

**Application:**        **A-102/08**  
**Applicant:**         **Lillian Tonin**  
**Agent:**             **Scott Ongarato**  
**Location:**         **21 Shaftesbury Avenue**  
**In Attendance:**    **Scott Ongarato**

The Secretary-Treasurer advised there was a letter received in support of the application.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Ongarato replied the notice sign was posted and comments were received from staff. He advised he showed the concept plans to his neighbours who were in support of the application.

There were no questions from the Committee.

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 A. Clos and seconded by D. Kelly,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2-Row 7 of Zoning By-law (1995)-14864, as amended, for 21 Shaftesbury Avenue, to enclose a 4.115 metre by 4.877 metre (13.6 foot by 16 foot) carport creating an attached garage which would be situate 0.6 metres (2 feet) from the left side lot line when the By-law requires a minimum side yard of 1.5 metres (4.92 feet) for an attached garage, be approved.”

Carried.

**Application:**        **A-99/08**  
**Applicant:**         **Kenneth Dorter**  
**Agent:**             **Kenneth Dorter**  
**Location:**         **63 Dean Avenue**

**In Attendance: Kenneth Dorter**

The Secretary-Treasurer advised there was a letter received in support of the application.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Dorter replied the notice sign was posted and comments were received from staff. He noted Guelph Hydro has submitted a recommendation for the relocation of the hydro service stack. he explained the contractor who is undertaking the work had reviewed the Code and had talked to someone from Guelph Hydro who advised that as long as the railing is 1 metre away from the stack it will comply with their requirements. He assured the Committee the railing will be located a minimum of 1 metre from the stack and access will also be blocked with a planter. He noted the garage is attached to a two storey house and would be a drastic expense for the relocation. He advised the house was built in 1948 and living space has always been on the roof of the garage with no barrier. He requested the Committee consider revising the condition that they meet the Code.

Committee member A. Clos noted the Committee is reluctant to remove any recommendations from Guelph Hydro. She suggested the recommendation could be amended to add "if required". This would provide the opportunity for the applicant to discuss the recommendation with Guelph Hydro.

Mr. Dorter suggested he would be happy with that change.

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. McNair and seconded by J. Andrews,

"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 requirement of Table 4.7 – Row 8 of Zoning By-law (1995)-14864, as amended, for 63 Dean Avenue, to permit an outdoor living area on the roof of the attached garage which will be situate 0.79 metres (2.59 feet) from the right side lot line when the By-law requires the balcony be located a minimum of 2 metres (6.6 feet) from the side lot line, be

1. That prior to issuance of a building permit, the applicant makes arrangements for the relocation of the existing overhead hydro service stack on the exterior garage wall, if required, to the meet the Ontario Electric Code, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The relocation will be at the owner's expense."

Carried.



**Application:**           **A-87/08**

**Applicant:**           **John Czepil**

**Agent:**               **John Czepil**

**Location:**           **62 Washburn Drive**

**In Attendance:**   **John Czepil**  
                          **Rufina Czepil**  
                          **Vettie Wood**  
                          **Changel Hempel**  
                          **Trevor Blatherwick**

The Secretary-Treasurer advised there were letters received in support and in objection to the application.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Czepil replied the notice sign was posted and comments were received from staff. He noted he wanted to construct the fence as a sound and pedestrian barrier and which would deter trespassing from Washburn Drive to Eastview Road and to prevent garbage from entering the property.

Committee member A. Clos questioned if the applicant had reviewed the sketch from Planning Services staff suggesting an amended location for the fence.

Mr. Czepil reviewed the sketch and advised he did not like the proposal and he is not in favour of selling his land to the municipality for a walkway.

Committee member A. Clos questioned if staff met with the applicant after the application was deferred.

Planner S. Laughlin explained staff met and suggested to the applicant the municipality would be interested in purchasing a portion of the lands for a walkway, however the applicant is not interested in selling any property to the municipality at this time. She noted the recommended location suggested would leave open the opportunity to convey a portion of the lands for a walkway. She explained that through reconstruction of Eastview Road the option of a walkway will be reviewed.

Committee member L. McNair noted that if the fence is constructed as proposed they would have to remove four sections of fence if a walkway was agreed to which is not a prohibitive cost.

Planner S. Laughlin explained all options will be explored in next few months with the design commencing for the reconstruction of Eastview Road.

Committee member J. Andrews questioned what the time frame was for the reconstruction of Eastview Road.

Planner S. Laughlin replied reconstruction is scheduled for next year.

Ms. Wood advised the Committee she had no objection to the location and height of the fence.

Chantel Hempel, who resides at 53 Washburn Drive explained they look directly at the retaining wall and the proposed fence. She expressed concern as the retaining wall steps down and the hard style fence will not be aesthetically pleasing. She noted shrubbery has been planted along Eastview Road which will deter garbage when it is mature. She agreed with the staff recommendations related to the goals and objectives of the municipality.

Mr. Blatherwick, a resident of 51 Washburn Drive noted the fence will not result in noise abatement as all the windows along the side wall of the house are above the height of the fence. He noted a 6 foot fence is excessive and will cause a blind area for anyone located on the other side of the fence and provides the opportunity for graffiti to cover the fence. He noted a fence 2 to 3 feet high could deter trespassing.

Committee member P. Brimblecombe questioned if the recommended location from Planning Services would result in an opening being provided between the fence and the retaining wall.

Planner S. Laughlin replied this was the intent of the proposed location.

Committee member P. Brimblecombe questioned if the applicant had considered constructing a chain link fence rather than a solid board fence to address the concern of the neighbours.

Mr. Czepil replied he does not support the chain link fence. He noted he plans to construct a board on board fence along the lot line which will provide opportunity to see on the other side.

Chantel Hempel read a submission from her boyfriend who could not attend the meeting due to work commitments. She summarized the garbage referred to blowing from Eastview Road was just leaves and all went to all properties. She noted the barrier would be comprised of concrete and wood which is not pleasing to the eyes. She questioned if the retaining wall could be extended along Eastview Road.

The Committee advised a retaining wall would not be required along the balance of Eastview Road as there is no grade difference to retain.

Committee member L. McNair questioned if the applicant would consider a fence height less than 6 feet.

Mr. Czepil replied he would like a 6 foot high fence but would support less height if he could construct the fence along the lot line to the streetline.

Committee member D. Kelly noted this clearly not a typical front yard and does not feel a 0.8 metre high fence should apply in this situation. She disagreed the recommendations from staff as the owner has the right to put up a fence if this is what he wishes to deter trespassing. She noted a 0.8 metre fence will not function well in this situation.

Committee member P. Brimblecombe agreed with this however noted a 5 foot high fence could act as deterrence for trespassing.

Committee member J. Andrews noted the City could negotiate a walkway in the future if they wish to expropriate and the panels of the fence could be removed.

Committee member A. Clos noted that when reviewing the photos of the retaining wall, a 5 foot fence would encourage people to climb over it when reviewing the grade and the location of the retaining wall.

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 A. Clos and seconded by L. McNair,

“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 62 Washburn Drive, to permit a 1.82 metre (6 foot) high fence along the right side property line extending to the Washburn Drive streetline when the By-law requires any fence located in the front yard in a residential not have a maximum height of 0.8 metres (2.62 feet), be approved.”

Carried.

**Application: A-98/08**  
**Applicant: Morris Martini**  
**Agent: Morris Martini**  
**Location: 43 Forbes Avenue**  
**In Attendance: Morris Martini**  
**Ron Martini**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Martini replied the notice sign was posted and comments were received from staff. He had no further information to add 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

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application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by J. Andrews and seconded by D. Kelly,

“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 4.15.1.3 and Table 5.1.2-Row 12 of Zoning By-law (1995)-14864, as amended, for 43 Forbes Avenue, to permit an accessory apartment to be located in the semi-detached dwelling unit which is not a permitted use in the R.1B zone (legal non-conforming) when the By-law permits an accessory apartment in a semi-detached dwelling unit if the use is permitted in that zone and to provide no landscaped strip adjacent to the parking area along the rear lot line when the By-law requires a 0.6 metres (1.96 foot) landscaped strip between the driveway and the lot line, be approved.”

Carried.

The meeting adjourned at 7:15 p.m.

R. Funnell  
Chair

K. E. Fairfull  
Secretary-Treasurer

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday, November 18, 2008 at 4:30 p.m. in Committee Room B, City Hall 59 Carden Street, with the following members present:

Present: R. Funnell - Chair  
L. McNair – Vice Chair  
J. Andrews  
P. Brimblecombe  
B. Birdsell  
A. Clos

Regrets: D. Kelly

Staff Present: Stacey Laughlin, Planner  
S. Wesley, Assistant Secretary-Treasurer

### Declarations of Pecuniary Interest

Committee member A. Clos declared a pecuniary interest for Applications A106/08 and A-107/08 for 381 and 383 Starwood Drive as the applicant is a client of hers.

### Other Business

The Assistant Secretary-Treasurer distributed a Notice of an Ontario Municipal Board hearing for Application A-66/08 for 109 Emma Street to be held on Friday January 9, 2009 at 10:30AM in the Council Chambers.

Committee member L. McNair advised he would not be at the December 2008 meeting.

The Committee members asked if the dates have been set for the new year. The Assistant Secretary-Treasurer replied yes the dates have been set and she will include a copy in the members' envelopes with the minutes.

### Approval of Minutes

Committee member D. Kelly advised by phone of a correction to page 9 last paragraph. Chair R. Funnell advised of some corrections. The minutes have been revised to reflect the correction.

Moved by L. McNair and seconded by J. Andrews,

“THAT the Minutes from the November 4, 2008 Regular Meeting of the Committee of Adjustment, be approved, as amended.”

Carried.

Having declared a pecuniary interest committee member A. Clos left the meeting at this time.

**Applications:       A- 106/08 and A-107/08**

**Applicant:           Guelph Grangehill Developments Limited**

**Agent:                Finoro Homes Ltd.**

**Location:            381 Starwood Drive and 383 Starwood Drive**

**In Attendance:     Peter Finoro**  
**Paul Magahay**

The Chair R. Funnell asked if the signs had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Magahay replied the notice signs were posted and comments were received from staff.

Mr. Magahay advised this request is actually an extension of minor variances that were approved about 3 years ago. The construction industry has slowed down somewhat so they still have not sold out as anticipated. They are in agreement with the requested Site Plan Control Agreement. Mr. Magahay commented on the letter received. He advised that Mr. Finoro has not received any complaints on these properties. He advised that in a purchase agreement there is a clause that involves the construction of a fence. It advises the purchaser that the builder is not responsible for any damage to a fence constructed while there is on-going construction on adjacent lots. Mr. Magahay advised they did not see a problem with the construction of a fence along the rear lot line as all construction on these 2 homes have been completed as well as the landscaping.

Committee member J. Andrews questioned if the applicant would be willing to issue a letter to the neighbour the fence.

Mr. Magahay advised that the yards have been landscaped and that no construction would be happening in the rear yards.

Mr. Finoro agreed that he would talk to his lawyer about issuing a letter to the neighbour.

**A- 106/08**

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 J. Andrews and seconded by L. McNair,

“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 Sections 4.13.2.1 and Table 5.1.2-Row 7 of Zoning By-law (1995)-14864, as amended, for Lot 4, Registered Plan 61M125 municipally known as 381 Starwood Drive, to permit an extension of time for the variances from the By-law requirements to permit the existing attached garages (381 and 383 Starwood Drive) to be used as sales offices and each of the garages to have a temporary link with a 0 metre side yard and to permit the legal off-street parking spaces for 381 Starwood Drive to be situate 1.8 metres (5.91 feet) from the Starwood Drive property line, be approved, subject to the following conditions;

1. That the owner enters into a new Site Plan Control Agreement registered on the title of the properties, requiring that the link be removed and the sales offices restored to garages to accommodate a 3 metre by 6 metre parking space for each dwelling, prior to the transfer of title to a subsequent owner or within 3 years of the of the date of this decision.
2. That the temporary sales office at 381 Starwood Drive and at 383 Starwood Drive be restored to garage parking space and the required side yard setback be restored prior to the transfer of lease/title to a subsequent owner(s) or within 3 years of the date of this decision, whichever occurs first; and
3. That the existing Site Plan Agreement for this property is amended to recognize this extension.
4. That Finoro Homes Ltd. send a letter to the owners at 14 Washburn Drive, that if the owners of 14 Washburn Drive build a fence along the rear lot line, at the owners expense and that said fence can be reasonably shown to have been damaged as a result of activities of Finoro Homes Ltd., that Finoro Homes Ltd. will be responsible for the cost of repairs.”

Carried.

**A- 107/08**

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 J. Andrews and seconded by L. McNair,

“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 Sections 4.13.2.1 and Table 5.1.2-Row 7 of Zoning By-law (1995)-14864, as amended, for Lot 3, Registered Plan 61M125 municipally known as 383 Starwood Drive, to permit an extension of time for the variances from the By-law requirements to permit the existing attached garages (381 and 383 Starwood Drive) to be used as sales offices and each of the garages to have a temporary link with a 0 metre side yard and to permit the legal off-street parking space for 383 Starwood Drive to be situate 1.5 metres (4.92 feet) from the Starwood Drive property line, be approved, subject to the following conditions;

1. That the owner enters into a new Site Plan Control Agreement registered on the title of the properties, requiring that the link be removed and the sales offices restored to garages to accommodate a 3 metre by 6 metre parking space for each dwelling, prior to the transfer of title to a subsequent owner or within 3 years of the of the date of this decision.
2. That the temporary sales office at 381 Starwood Drive and at 383 Starwood Drive be restored to garage parking space and the required side yard setback be restored prior to the transfer of lease/title to a subsequent owner(s) or within 3 years of the date of this decision, whichever occurs first; and
- 3 That the existing Site Plan Agreement for this property is amended to recognize this extension.
4. That Finoro Homes Ltd. send a letter to the owners at 14 Washburn Drive, that if the owners of 14 Washburn Drive build a fence along the rear lot line, at the owners expense and that said fence can be reasonably shown to have been damaged as a result of activities of Finoro Homes Ltd., that Finoro Homes Ltd. will be responsible for the cost of repairs.”

Carried.

Committee member A. Clos returned to the meeting.

**Applications: A- 108/08**  
**Applicant: Cynthia Fenwick**  
**Agent: Cameron Werner**  
**Location: 44 Queen Street**  
**In Attendance: Cameron Werner**



The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Werner replied the notice sign was posted. He did not receive his comments from staff. A copy was given to him at the meeting and time to review. He had no concerns with the comments.

**A- 108/08**

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. Brimblecombe and seconded by B. Birdsell,

“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 4.5.1.2 of Zoning By-law (1995)-14864, as amended, for Part Lot 25, Registered Plan 32 municipally known as 44 Queen Street, to permit the existing detached garage to be situate 0.5 metres (1.67 feet) from the left side property line, be approved.”

Carried.

**Applications:       A-105/08**  
**Applicant:           Diane Kochendorfer**  
**Agent:               Peter DeGroot**  
**Location:            579 Stone Road East**  
**In Attendance:     Peter DeGroot**  
**Kelly Walraven**

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. de Groot replied the notice sign was posted and comments were received from staff.

Mr. De Groot advised he had spoken with Stephanie Wesley about the conditions and how they would work. His client, Ms Kochendorfer is aware of the conditions and the process as she went through the process for a minor variance in 2007 for an addition.

Committee member A. Clos asked if the use is to cease once full services are available.

The Planner S. Laughlin advised that no expansion would be allowed until there are full services but the use would not have to cease when full services are available.

Mr. De Groot advised they are okay with the condition that if more parking is required they will provide more parking on the property. He advised that he had met with Dan Dolliver about the parking concerns.

Committee member L. McNair commented that condition #5 should be amended to be 90 days due to the appeal period and the Christmas holidays.

**A-105/08**

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. McNair and seconded by P. Brimblecombe,

“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 11.3.2.1.5 of Zoning By-law (1995)-14864, as amended, for Concession 9 Division F Part Lot 1 municipally known as 579 Stone Road East, to permit the establishment of a group home with 9 residents, when the By-law permits the maximum of 8 residents be accommodated in the building existing on the date of the passing of the By-law, plus any staff required to adequately care for 8 residents, be approved, subject to the following conditions;

1. The Owner agrees and recognizes that the use of the said lands for a group home and/or a halfway house shall be limited to the grounds existing as at April 7, 2007, without further acquisitions of land, and to the building which existed as at April 7, 2007 without any further additions, until full services are available from the City and are connected to the building.
2. The Owner agrees and recognizes that the occupancy of the existing building as a group home or a halfway house shall be for a maximum of nine (9) residents, and any staff members required to adequately care for those residents, until full services are available from the City and are connected to the building.
3. The Owner agrees to construct the parking area in accordance with the attached site plan.
4. The Owner agrees to expand the amount of parking within the said lands if recurring on-street parking leads the City Engineer to request more on-site parking. Such parking shall be provided within six months of receiving the City Engineer's request.

5. That the owner shall enter into an agreement with the City, registered on title, satisfactory to the City Engineer, agreeing to satisfy the above-noted conditions within ninety (90) days of the decision.”

Carried.

**Applications: A-104/08**  
**Applicant: Synod of the Diocese of Niagara – St. Matthias**  
**Agent: Reta Craig**  
**Location: 171 Kortright Road West**  
**In Attendance: Reta Craig**  
**Margaret Murray**

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Ms Craig replied the notice sign was posted and comments were received from staff.

**A-104/08**

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 J. Andrews and seconded by A. Clos,

“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 8.1.1 of Zoning By-law (1995)-14864, as amended, for Concession 7 Part Lot 3 Reference Plan 61R2475 Part 1 municipally known as 171 Kortright Road West, to permit the operation of a commercial school as an accessory use to the religious establishment when the By-law permits an art gallery, day care centre, group home, library, museum, outdoor sports field facilities, religious establishment and a school, be approved, subject to the following conditions;

1. The commercial school shall occupy a maximum floor area of 145.50 m<sup>2</sup> (1,566.27 sq. ft.); and,
2. The commercial school shall not be permitted to operate during the same time as activities related to the religious establishment such as worship or other social or charitable activities are occurring.”

Carried.

The Committee considered the applicant's request for a refund of the application fee.

Move by P. Brimblcombe and seconded by L. McNair

"That 50% of the application fee for Application A-104/08 for 171 Kortright Road, West, be refunded to the applicant due the church being a non profit organization"

Carried.

The meeting adjourned at 5:30 p.m.

R. Funnell  
Chair

Stephanie Wesley, ACST  
Assistant Secretary-Treasurer,  
Committee of Adjustment.

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday December 16, 2008 at 3:30 p.m. in Council Committee Room A, City Hall, with the following members present:

R. Funnell, Chair  
J. Andrews  
P. Brimblecombe  
D. Kelly  
A. Clos  
B. Birdsell

Regrets: L. McNair

Staff Present S. Laughlin, Planner  
K. Fairfull, Secretary-Treasurer

#### Declarations of Pecuniary Interest

Committee member A. Clos declared a pecuniary interest for Applications A-116/08 and A-117/08, being Item 1 on the agenda as the applicant is a client.

Committee member B. Birdsell declared a pecuniary interest for Application A-109/08, being Item 7 on the agenda as the applicant is a client.

#### Minutes from Last Meeting

Moved by J. Andrews and seconded by B. Birdsell,

“THAT the Minutes from the November 18, 2008 Regular Meeting of the Committee of Adjustment, be approved, as amended.”

Carried.

Committee member D. Kelly advised she will not be attending the January meeting.

The Secretary-Treasurer distributed an information brochure and fees prepared for public information.

Committee member A. Clos, having declared a pecuniary interest for the next applications, left the room.

**Applications:**        **A-116/08 and A-117/08**

**Applicant:**         **Reid's Heritage Homes Ltd.**

**Agent:**             **Jeff Robinson**

**Location:**         **4 Tolton Drive/3 Laughland Lane**  
                          **12 Tolton Drive/11 Laughland Lane**

**In Attendance:**     **Jeff Robinson**  
                          **Vance Wright**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Robinson replied the notice sign was posted and the signs were posted. He explained the properties are located in a specialized residential zone which permits accessory coach houses with accessory units. He advised three off-street parking spaces are required to accommodate the accessory units. He advised the units are under construction and close to occupancy. He provided information stating the creation of the third parking space would not create a safety hazard for pedestrians.

Planner S. Laughlin explained pedestrians would be warned when any cars exited the garage with the sound of the garage door opening whereas the exterior parking space would provide no sound warning.

Mr. Robinson suggested signage could be added along the sidewalk warning pedestrians.

Planner S. Laughlin noted staff would like to meet with the applicant to discuss the recommendations and to review alternatives.

Chair R. Funnell explained the Committee is hesitant to consider a request that Engineering has deemed a safety issue.

The applicant agreed to meet with staff to discuss the alternatives. Planner S. Laughlin agreed to schedule a meeting.

Moved by J. Andrews and seconded by D. Kelly,

“THAT Applications A-116/08 and A-117/08 for Reid's Heritage Homes Limited at 4 Tolton Drive/3 Laughland Lane and 12 Tolton Drive/11 Laughland Lane, 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 application fee be paid prior to reconsideration of the applications.”

Carried.

Moved by J. Andrews and seconded by D. Kelly,

“THAT the deferral fee not be applicable for the applications.”

Carried.

Committee member A. Clos was summoned back to the room.

**Application: A-115/08**  
**Applicant: Michael Oosterveld**  
**Agent: Michael Oosterveld**  
**Location: 110 Norwich Street, East/195 Arthur Street, North**  
**In Attendance: Michael Oosterveld**  
**Jennifer Oosterveld**  
**Rance Oosterveld**  
**Henk Oosterveld**

The Secretary-Treasurer advised there were two emails received in support of the application.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Oosterveld replied the notice sign was posted and comments were received from staff.

There were no questions from the Committee.

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. Brimblecombe and seconded by J. Andrews,

“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 4.7-

Row 2 and Row 3 and Table 6.1.2 – Row 4 of Zoning By-law (1995\_-14864, as amended, for 110 Norwich Street, East and 195 Arthur Street, North,

- a) to permit a dormer addition on the third storey to be situate .59 metres (1.95 feet) from the Norwich Street property line when the By-law requires building additions be situate a minimum of 3 metres (9.84 feet) from the Norwich Street property line;
- b) to permit the open roofed porch to project 2.74 metres (9 feet) into the Norwich Street exterior side yard and be situate .16 metres (.55 feet) metres from the Norwich Street property line when the By-law permits a maximum projection of 2.4 metres (7.87 feet) and requires it be situate a minimum of 2 metres (6.56 feet) from the property line;
- c) To permit the open portion above the roofed porch to be situate 0.16 metres (.55 feet) from the Norwich Street property line and to permit the access stairs leading to the 2<sup>nd</sup> floor to be situate 0 metres from the Norwich Street property line when the By-law requires a minimum setback of 3 metres (9.84 feet),

be approved, subject to the following conditions:

1. That prior to the issuance of any building permit, the owner obtains approval of an encroachment agreement for the encroachment of a portion of the main building and stairway, overhangs, chimney breast and rain water leader on the Arthur Street and Norwich Street road allowance.
2. That notice be given in any rental or lease agreement for the three residential units that parking is not provided or permitted for these units or, alternatively, the applicant acquires three permits for parking spaces in the Norwich Street lot for the residential units; and,
3. That prior to a building permit being issued for the proposed modifications and the use of the variety store area as a commercial school, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of the main building, overhangs, chimney breast, wall mounted telephone boot, wall mounted air conditioner, wall mounted satellite dish, rain water leader and access stairs on the Arthur Street and Norwich Street road allowance.”

Carried.

**Application:** A-113/08  
**Applicant:** Artel (Trustee) Corp.  
**Agent:** Pastor Brent Sloss



**Location: 355 Elmira Road, North – Unit 120 and 122**

**In Attendance: Pastor Brent Sloss**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Paster Sloss replied the notice sign was posted and comments were received from staff.

Committee member A. Clos questioned if they had reviewed the letter from Guelph Junction Railway.

Pastor Sloss replied they had no objection to the recommendations.

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 A. Clos and seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 7.3.3.5.1.1 of Zoning By-law (1995)-14864, as amended, for 355 Elmira Road, North, Units 120 and 122, to permit a religious establishment in the Units on Sunday only for a maximum of 3 years when the following uses are permitted in the B.3-5 zone: a catering service, commercial entertainment, financial establishment, personal service establishment, recreation centre or restaurant [combination of these uses to occupy maximum of 15 percent of the total floor area], along with cleaning establishment, commercial school computer establishment, industrial or construction equipment rental or sales firm, office, office supply, photofinishing place, print shop, repair service, research establishment, tradesperson's shop and vehicle specialty repair shop, be approved, subject to the following conditions:

1. The use (religious establishment) be permitted for a period not exceeding three (3) years from the date of the decision; and,
2. The use (religious establishment) shall only be permitted to operate on Sundays and not at the same time as any other function being hosted by the main banquet hall use.
3. That the following warning clause be inserted in all leases:

Guelph Junction Railway Warning Clause

The Guelph Junction Railway or its assigns or successors in interest has an operating railway nearby and such operation may affect the use of this property and the Guelph Junction Railway will not be responsible for any complaints or claims arising from its operation.”

Carried.

**Application:**           **A-118/08**  
**Applicant:**           **E & M Tedesco**  
**Agent:**               **John Valeriotte**  
**Location:**           **25 Clearview Avenue**  
**In Attendance:**   **John Valeriotte**  
                              **Matt Lowry**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Valeriotte replied the notice sign was posted and comments were received from staff. They had no objection to the recommendations.

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. Brimblecombe and seconded by D. Kelly,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, to permit a vehicle sales establishment which would allow for the repair and sales of motorcycles and other small leisure vehicles when the b.4 zone allows various uses in an industrial mall, including vehicle specialty repair which permits specialized repair or service to vehicles including transmission, muffler, tire, autoglass, brake, rust-proofing or sound system repair and service, be approved, subject to the following conditions:

1. That a “vehicle sales establishment” not include a “vehicle body shop” in this instance;
2. That no outdoor storage or display of vehicles be permitted; and

3. That the proposed “vehicle sales establishment” be limited to a maximum floor area of 100.00 m<sup>2</sup> which is approximately the size of the existing unit (#5).”

Carried.

**Application:** A-111/08  
**Applicant:** Penretail Management Limited  
**Agent:** Catherine Spears  
**Location:** 111-193 Silvercreek Parkway, North  
**In Attendance:** Leonard Abe  
Catherine Spears

Chair R. Funnell questioned if the signs had been posted in accordance with Planning Act requirements.

Ms. Spears replied the notice signs were posted and comments were received from staff. She explained the planning approval process has been very positive and they appreciate the support from staff. She noted they wish to revitalize the mall with their proposed plans.

There were no questions from the Committee.

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 J. Andrews and seconded by B. Birdsell,

“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 6.2.3.2.9.1.3, 6.2.3.2.9.1.2, 4.91. and Table 6.2.2-Row 12 of Zoning By-law (1995)-14864, as amended, for 111-193 Silvercreek Parkway, North,

- a) to permit the off-street parking a ratio of 4.23 spaces per 100 square metres (328.1 square feet) of Gross Floor Area for a total of 864 spaces when the By-law requires the minimum off-street parking space in the CC-9 zone shall

- be 5.5 spaces per 100 square metres (1,076.39 square feet) of Gross Floor Area [1,123 spaces would be required];
- b) to permit a 3 metre (9.84 feet) setback from Willow Road for proposed Building G and 1.86 metres (6.1 feet) from Silvercreek Parkway North for proposed Buildings H and J, when the By-law requires the minimum setback in the CC-9 zone for this property be 21.2 metres (69.55 feet) from Willow Road and 31.5 metres (103.35 feet) from Silvercreek Parkway, North;
  - c) to permit a garbage room/enclosure adjacent to proposed Buildings G and J when the By-law requires no garbage, refuse or compost shall be stored on any lot in any zone except within the principal building or any accessory building or structure on such lot or in container or composter in a side yard or rear yard of such lot; and,
  - d) to permit landscape strips of 1.96 metres (6.43 feet) adjacent to proposed Building H and 2.98 metres (9.78 feet) adjacent to Proposed Building J along Silvercreek Parkway North when the By-law requires a landscaped strip of land, 3 metres (9.84 feet) in width shall be maintained adjacent to the street line except for those areas required for entry ramps,

be approved, subject to the following condition:

1. That the Owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the retained lands to the satisfaction of the Director of Community Design and Development Services and the City Engineer, prior to the issuance of a building permit. Furthermore, the owner shall develop the property in accordance with the approved site plan."

Carried.

**Application:** A-114/08

**Applicant:** Guido and Luciana Gatto

**Agent:** Robert Radford

**Location:** 3 Watson Road, South – Units 1 and 1A

**In Attendance:** Robert Radford  
Henk Oosterveld

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Radford replied the notice sign was posted and comments were received from staff. He had no further information to add to the application.

There were no questions from the Committee.

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. Brimblecombe and seconded by B. Birdsell,

“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 7.3.2.1.1 and 7.1.1 of Zoning By-law (1995)-14864, as amended, for 3 Watson Road, South, Units 1 and 1A to permit a religious establishment in Units 1 and 1 A for a period of one year when the By-law permits the following uses: tradesperson's shop, catering service, cleaning establishment, commercial school, computer establishment, manufacturing, print shop, repair service, research establishment, trucking operation, warehouse and an office, factory sales outlet as accessory uses, be approved, subject to the following condition:

2. That the use (religious establishment) be permitted for a period not exceeding one (1) year from the date of the decision.”

Carried.

Committee member B. Birdsell, having declared a pecuniary interest for the next application left the room.

**Application:** A-109/08  
**Applicant:** Rocky Mugford  
**Agent:** Rocky Mugford  
**Location:** 2-4 Grant Street  
**In Attendance:** Rocky Mugford  
Kelly Rupoli

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Mugford replied the notice sign was posted and comments were received from staff. He explained Engineering Services staff has requested the existing wood fenced be altered or removed. He submitted a survey plan for the property and noted the fence is located on the adjacent property.

The Committee reviewed the survey plan for the property and confirmed the fence was on the neighbouring property.

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 J. Andrews and seconded by D. Kelly,

“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 Section 6.3.3.1.1.1.1 and 4.13.4.2 of Zoning By-law (1995)-14864, as amended, for 2-4 Grant Street to expand the restaurant sitting area into the bake shop area and to permit a total of five off-street parking spaces on the property to accommodate the expanded restaurant sitting area and the bakery when the By-law would require a total of 17 off-street parking spaces, be approved, subject to the following conditions:

1. That the owner develops the property in accordance with the approved site plan, within six (6) months of the decision or alternatively the owner shall submit to the City, in accordance with Section 41 of the Planning Act, a fully detailed “as built” site plan/grading and drainage plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the Director of Community Design and Development Services and the City Engineer, prior to the expansion of the sitting area of the restaurant into the bake shop area.
2. That the owner shall apply to the City Solicitor for an amendment to the existing Encroachment Agreement to include the wall mounted air conditioner and obtains approval for the encroachment, prior to the expansion of the sitting area of the restaurant into the bake shop area.
3. That the owner shall apply to the City Solicitor for an amendment to the existing License Agreement to include the off-street parking space and obtains approval for the off-street parking space, prior to the expansion of the sitting area of the restaurant into the bake shop area.”

Carried.

Committee member B. Birdsell was summoned back to the room.

**Application:**           **A-119/08**  
**Applicant:**           **W. Richard Hamilton/Catharine Hamilton**  
**Agent:**               **Catharine Hamilton**  
**Location:**           **51 Exhibition Street**  
**In Attendance:**      **Catharine Hamilton**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mrs. Hamilton replied the notice sign was posted and comments were received from staff. She requested the Committee consider granting additional time as they intend to remove the hedge and would like to complete the removal when there is no frost.

The Committee discussed and agreed the hedge could be removed by June, granting an extension to 6 months for removal.

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. Kelly and seconded by P. Brimblecombe,

“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 4.20.10.3 of Zoning By-law (1995)-14864, as amended, for 51 Exhibition Street, to construct a 1.82 metre (6 foot) high fence to commence at the main building wall at a point 4.27 metres (14 feet) behind the front wall of the dwelling, out to and along the Mont Street property line to a point 1.52 metres (5 feet) from the rear property line, along the driveway sight line triangle to a point 1.83 metres (6 feet) along the rear property line, be approved, subject to the following conditions:

1. That the proposed 1.83-metre (6.0 feet) high wood fence be situated 4.27-metres (14.0 feet) behind the front wall of the dwelling to and along the Mont

- Street property line to a point 1.52-metres (5.0 feet) from the rear property line then along the limit of the driveway sight line triangle to a point 1.83-metres (6.0 feet) of the rear property line.
2. That the proposed 1.83-metre (6.0 feet) high wood fence, in the exterior side yard does not extend any more than 21.0-metres (68.90 feet) from the rear lot line along the Mont Street property line.
  3. That the owner shall remove and/or trim down the existing hedges to 0.80-metres (2.62 feet) in height within the corner sight line triangle, prior to the installation of the proposed fence or within six (6) months of the date of this decision.”

Carried.

**Application:**            **A-112/08**

**Applicant:**            **David and Ellen Kupp**

**Agent:**                 **David and Ellen Kupp**

**Location:**            **17 Park Avenue**

**In Attendance:**      **David and Ellen Kupp**  
                              **Jennie Ferenczy**  
                              **Bianca Ferenczy**  
                              **Wayne Hollingshead**

The Secretary-Treasurer advised a letter has been received from the abutting property owner.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Kupp replied the notice sign was posted and comments were received from staff. He explained the house is not located parallel to the side property line which results in a driveway width of 9'4" at the front of the dwelling to a potential width of 18 feet at the rear of the dwelling. He noted they have demolished the existing porch to underpin foundation work on the dwelling and plan to reconstruct a porch and relocate the driveway to the left side yard. He noted the driveway width in the right sideyard was 8.39 feet and the current proposal provides a wider access to the new frame garage.

Jennie Ferenczy advised they submitted a letter about the proposal. She explained the reconstruction of the porch results in the driveway moving closer to their property line



and if a vehicle is parked adjacent to the porch it will result in the occupants trespassing on their property when they enter and exit their vehicles.

Bianca Ferenczy advised if the porch was a little smaller and decreased to a width of 4 feet wide there would be adequate room for the driveway width.

Committee member J. Andrews noted the access steps to the porch would be located to the front and rear of the porch and a vehicle would park to the front or rear of the porch to exit.

Mrs. Kupp noted the previous porch projected out 6 feet but was shorter in length.

Committee member A. Clos questioned if the Zoning By-law had been amended to permit an exterior parking space width of 2.74 metres.

Planner S. Laughlin replied exterior parking spaces can have a width of 2.74 metres however access to the off-street parking space must have a width of 3 metres and a 0.6 metre landscaped strip must be provided.

Mr. Kupp noted it is their family's habit is to use the back of the lot and they enter through their back door. He noted he measured a few driveways along the street and in this area they go as low as 7 feet in width. He noted they are not in a habit of parking in front of their porch and would not utilize the driveway access for parking.

Mr. Hollingshead noted it is their intent not to park in the side yard but no there is no assurance they will not park there.

Planner S. Laughlin explained the applicants did speak to staff before submitting the application and staff recommended they provide a narrow driveway with some landscaped strip as a compromise. She noted the parking space width is the same width as a commercial mall parking space.

The Committee discussed options for the applicant and suggested the applicant meet with the neighbour to try to reach a consensus.

Mr. Kupp replied they would have no objection but would need assistance from a representative from staff about zoning requirements.

Stacey advised she would be willing to assist the applicant.

Moved by B. Birdsell and seconded by D. Kelly,

“THAT Application A-112/08 for David and Ellen Kupp at 17 Park Avenue, 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 application fee be paid prior to reconsideration of the application.”

Carried.

**Application:** A-110/08  
**Applicant:** Paul and Heather Robinson  
**Agent:** Paul and Heather Robinson  
**Location:** 15 Valleyview Drive  
**In Attendance:** Paul and Heather Robinson  
Nellie Simao Robinson  
Jeff Robinson  
Trudy Sinclair

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mrs. Robinson replied the notice sign was posted and comments were received from staff. She explained they have resided at this address for 22 years and have had dogs 19 of the 22 years with no complaints. They provided background about their membership with Canadian and American Kennel Clubs and noted they show their dogs along with limited breeding, maximum 1 litter/year.

Committee member D. Kelly questioned how many dogs they have permanently.

Mr. Robinson replied they would like to keep 9 dogs permanently.

Committee member A. Clos noted staff has recommended eight dogs maximum.

Planner S. Laughlin advised the staff recommendation was based on the number of dogs the owner had at that time.

Committee member A. Clos noted if they are not breeding 4 or more dogs they would not be classified as a kennel but questioned if it would still be considered a home occupation. She questioned if a kennel was permitted in a residential zone.

Planner S. Laughlin replied kennels are permitted in the service commercial zone. She noted the applicants do not have the dogs for profit or gain, therefore it would be considered to be a home occupation.

Committee member P. Brimblecombe questioned if they boarded other peoples dogs.

Mr. Robinson replied they do not board other dogs.

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. Brimblecombe and seconded by J. Andrews,

“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 Sections 4.19.1(lii) and 4.19.5(i) of Zoning By-law (1995)-14864, as amended, for 15 Valleyview Drive, to permit a dog kennel as a home occupation with the use of the outdoor amenity area when the By-law requires that every home occupation shall be conducted entirely within a dwelling unit and shall not occupy any portion of a garage, carport or accessory building or structure and further that there be no outdoor display and sales area of outdoor storage area, parking of any equipment or outdoor activity associated or carried on in conjunction with a home occupation, be approved, subject to the following condition:

1. The maximum number of dogs that permanently live at this kennel shall be eight;
2. That no permanent outdoor dog run facilities shall be permitted;
3. That the boarding of dogs other than the homeowner's own personal pets shall not be permitted at this kennel;
4. That the kennel must maintain a license in good standing with the Guelph Humane Society.”

Carried.

The meeting adjourned at 6:10 p.m.

R. Funnell  
Chair

K. E. Fairfull  
Secretary-Treasurer