

COMMITTEE OF ADJUSTMENT
Minutes

The Committee of Adjustment for the City of Guelph held a regular meeting on Tuesday February 7, 2012 at 6:00 p.m., in Committee Room 112, City Hall, with the following members present:

L. McNair
R. Funnell
J. Andrews
B. Birdsell
J. Hillen

Regrets: D. Kelly
A. Diamond

Staff Present: K. Fairfull, Secretary-Treasurer
M. Bunnett, Assistant Secretary-Treasurer
R. Kostyan, Planner
D. Jacques, City Solicitor
J. McEachren, Environmental Planner

Declarations of Pecuniary Interest

Committee member J. Hillen declared a pecuniary interest for Applications B-6/12 and A-7/12 at 106 Sunnylea Crescent, which was considered at the January 10, 2012 meeting, which he was absent. He advised the applicant was a client.

There were no further declarations of pecuniary interest.

Applications: B-10/10, B-11/10, A-12/10, A-13/10 and A-14/10

Applicant: Curtis Wile

Agent: Nancy Shoemaker, Black, Shoemaker, Robinson & Donaldson Ltd.

Location: 94 Maple Street

**In Attendance: Curtis and Katharyne Phillips-Wile
Nancy Shoemaker
Robin-Lee Norris
Tanya Lonsdale
Ann Middleton
Christa Bayley
David Josephy
Linda Hathorn
Daphne Wainman-Wood
Hugh Whiteley
John Tattersall**

**Patrick Kraemer-White, Duncan, Linton
Henry Bayley
Janet Wood/Henry Wiseman
Eric Watts
Oxanna Adams
Norah Chaloner
Julia Sninson
Keith Ballairs
John Gruzliski
John Campbell
Mark Lafroriere
Madelyn Phillips-Wile
Greg Gravelle
Uta Kayser
Ken Dance
Luke Weiler
Sue Campbell/John Lawson
Shirley Ann Holmes
Kirk High/Julia Swanson
Lisa McTaggart
Leo Medeiros**

Chair L. McNair questions if the notice signs had been posted and if staff recommendations had been received.

Ms. Norris, who was acting on behalf of the owners, replied the notice signs were posted and staff recommendations have been received. She explained there has been mis-information circulated among neighbours about the proposal. She assured the neighbours they are not building a condominium development and not clear-cutting the entire property. She noted there is an existing large home on the property which was in decay when the Wiles purchased it. She explained the dwelling has undergone extensive renovations and severance is being requested for two lots fronting on Maple Street. She provided details on the size of the lots and identified on submitted sketches where the proposed houses would be constructed identifying the balance of the lot which will be undisturbed. She advised the Wiles retained an environmental consultant to walk the property and provide their expert opinion before purchasing the property and since that time he had attended the property 8 times. She explained the process of appearing before the Environmental Advisory Committee and advised final approval was obtained November 9, 2011, subject to conditions, which the applicant is willing to undertake. She noted there is a large City storm sewer which runs through the property the proposed house location is taking into account the easement required for its protection.

Ms. Norris referenced the matters the Committee had to have regard to under the Planning Act, Section 51(24) and provided arguments to satisfy all the factors. She advised the EIS was completed to deal with any concerns from the Environmental Advisory Committee. He noted the objections from neighbours rely on Official Plan Amendment 42 which is not an approved document. She noted that during research for the Natural Heritage Strategy, Marion Plaunt, the Manager of Policy Planning walked the property and removed the designation identifying the property as a natural area/woodland. She noted the property was designated as a cultural woodland and development is permitted in a cultural woodland and development is permitted in a cultural woodland if an Environmental Impact Report is completed.

She reminded the Committee the Ministry of Natural Resources has also visited the site and commented favourably with the proposal. She noted 85% of the site will remain as it is not. She identified that 73 trees are scheduled to be removed (10-11 are dead) and 23 trees are identified as in good condition. She noted the woodland management plan recommended by Planning staff deals with the protection of trees and compensation. She further noted the neighbours had expressed concern about the birds on the property. She noted the Mr. Dance, their environmental consultant did a site nesting study and made recommendations were included under Section 4 of the Planning report. She explained the owner has agreed to comply with all of the recommended conditions.

She explained the applicant plans to construct straw bale houses and is investigating rainwater harvesting for the proposed dwellings. She expressed concern about the neighbours comments about the number of recommended conditions with the severance. She explained 6 of the conditions relate to payment of various fees to the City; 4 conditions relate to creation of the easement the City would like protected. She advised there are only 2 site specific conditions related to Grand River Conservation Authority approval and the submission of a geotechnical report. With respect to the concerns about the trees on the site, staff has requested a tree management plan. She noted the proposed dwelling is 8.61 metres from the retaining wall on the abutting property when the By-law requires a 1.5 metre side yard.

Ms. Norris addressed the tests for minor variance for the setback for the proposed dwellings and the lot frontage. She expressed concern about the comments in the package about procedural fairness. She noted there have been three Environmental Advisory Committee meetings, a deferral was granted by the Committee of Adjustment, at the request of the neighbours, for eight weeks. She noted the applicant was sent a letter from Mr. Kraemer in response to a phone message left by the applicants. They agreed their expert could enter onto the land, with condition they wanted their consultant present. She advised on January 17th, her partner reminded Mr. Kraemer about the offer and requested that any report be received at least 5 days prior to the hearing. She noted they were not able to come to an agreement for the consultant to enter the property and they will not agree to another deferral being requested. She reminded the Committee the proposal has been with the municipality for 2½ years.

Chair L. McNair invited questions from the members of the Committee.

Chair L. McNair questioned if there was any estimate of the number of tons of fill required on the lot.

After consultation with the engineer and planner, Ms. Norris replied there will be 340 cubic metres for the south lot and 350 cubic metres for the north lot.

Patrick Kraemer advised he represented POUR, an acronym for 'protect our urban ravines'. He advised his brief was submitted for the members of the Committee along with in excess of 40 letters in objection to the application. He explained the focus of the group, which is to protect the forest and the natural environment associated with the proposal. He explained a woodland encompasses the property and some of the abutting properties which was originally part of the Pederson creek which has been maintained even after decades of development in surrounding properties. He noted the report speaks to the obvious benefits this woodland provides. He noted the proposal brings to mind the big yellow taxi song where they took all the trees and put them in a tree museum and you don't know what you got until it is gone. He noted the report submitted from their expert has identified an endangered butternut tree, wildlife habitat and a diverse number of bird species. He referenced Page 59 of their submission identifying the number of trees that will be removed to accommodate the development, with 15% identified as non-native species and it was evident the woodland will not withstand this development.

He addressed Section 3(5) of the Planning Act and the Committee's responsibility under the Provincial Policy Statement to address the natural features on the property. He further addressed the Guelph Official Plan identifying natural areas on Schedule 2. He noted that although the property is not identified does not mean all features in the city have been addressed. He explained the Environmental Advisory Committee is an advisory committee only and the responsibility to protect this natural environment rests with the members of the Committee of Adjustment. He noted that although the Ministry of Natural Resources has not raised concerns with this application, they are not in favour of the severance. He noted the opponents bring local knowledge on this property that experts do not have. He advised the tests for minor variance have been detailed in the submitted brief and stress the general intent of the Official Plan which is to protect the natural environment, is not being met. He advised they have retained Brad Brickers and are relying on his expertise that the development will adversely affect the natural environment. In addition, there are opinions from experts such as Dr. Ambrose, Ron Winter and Dr. Middleton that speak against the development.

Chair L. McNair questioned if there were any questions from the Committee.

Committee member B. Birdsell questioned Environmental Planner J. McEachren how old the storm sewer was that ran through the property.

Committee member R. Funnell recalled the storm sewer was built in the 1930's.

Committee member B. Birdsell questioned if there was any further information the Environmental Planner could add to the application.

Planner J. McEachren replied when staff reviewed the proposal they studies all of the policies in affect. It was recommended an Environmental Impact Study be completed by the butternut trees on the property. She noted that other than the butternut trees, there are no overlays in the Official Plan that would identify the requirement for an Environmental Impact Study. She noted the Official Plan Amendment 42 which implemented the Natural Heritage Study is currently under appeal and as such staff can only take the amendment into advisement.

Chair L. McNair questioned if the Environmental Impact Study was focused on the butternut trees only.

Planner J. McEachren replied the Environmental Impact Study was completed for the entire property.

Ms. Norris, in response to the evidence presented by Mr. Kraemer, noted there are 73 trees being removed on the property. She noted the report prepared recommended that less than 30% of the trees on the property are worth saving. She noted they will be sensitive in the development which will respect the trees to be retained. She noted the Official Plan identifies preserving and being respectful to the woodlands. She advised there has never been a suggestion the lands will be clear cut and there is no evidence all the trees on the property will die as a result of the development. She advised Mr. Bricker for the most part had to use derivative data as he was not on site and reference is being made to Official Plan Amendment 42 which does not apply. She noted the report implies the property should be a conservation area and this is not the Committee's function. She further noted the Province signed off with their approval of Official Plan Amendment 42 which does not identify this property as significant. She explained that Greenfield development has costs and is related to sprawl and they are meeting the requirements of the Provincial and municipal guidelines.

Chair L. McNair questioned the planner if the back of the property would be protected in perpetuity if the severances were granted.

Planner R. Kostyan replied it would be difficult to access the rear of the property in the future with the location of the butternut trees.

Judy Martin explained she was the regional representative for the Sierra Club in excess of 30 years and her work in Guelph has focused on greenfield developments and its affect on the natural environment. She expressed her concerns the development is inconsistent with policies to protect woodlands and encouraged the applications not be approved. She noted the property is over 1 hectare in size and several policies in the Official Plan Amendment 42 speak to preservation of trees for properties exceeding 1 hectare in size. She noted compensation for tree loss should not be considered and she does not support removing trees and replacing with new trees which is evidenced with the letter submitted by Mr. John Ambrose. She advised the Ministry of Natural Resources did not visit the site and their statements were made based on evidence in their office only. She expressed concern the tree canopy in Guelph may be jeopardized as a result of the proposal.

Nora Chaloner, who resides south of the property expressed concern what would happen if a severe storm or hurricane occurred as there is a reliance on the subject property for drainage of water. She advised if they removed more trees it would jeopardize the storm water system.

Committee member J. Hillen questioned the age of house at 92 Maple Street.

Ms. Norris replied the house was constructed in 1949 but is not considered historic.

Chair L. McNair questioned if the request from staff that a qualified geotechnical engineer would address water flows related to the subject property.

Planner R. Kostyan replied the expert would deal with slopes and geology of the site. She noted predevelopment flow must equal post development flow.

Richard Chaloner noted there is an outstanding demolition permit for the large house and questioned if there were plans to demolish the house.

Uta Kayser, the real estate agent responsible for the purchase of the dwelling noted the demolition permit expired and the Wyles have chosen not to renew it. She noted extensive renovations have occurred at the house and there are no plans for demolition.

Lisa McTaggart, a resident at 70 Maple Street expressed her concerns in objection to the application. She noted there are plans to install a double catch basin on the site which will result in the destruction of more trees. She provided background information related to the construction of the retaining wall between the two properties and expressed concern any construction would jeopardize the integrity of the wall. She further noted the trees adjacent to her house provide natural cooling of their home, which does not have air conditioning. She expressed further concern related to the destruction of the mature trees on the property resulting in the proposed development.

Committee members reviewed the drawings submitted relative to the retaining wall and questioned the scale of the representation.

Oxana Adams, as resident of 22 Maple Street advised she wrote a letter in support of the application and reviewed the letters submitted in objection to the application. She noted she spoke with the owners to obtain more information about the proposal. She noted in a perfect world she would like to see the property undeveloped however the property needs a good clean up. She explained there is a fair amount of invasive species, non native species and dead trees and the owner is planning on removing those invasive species and replanting with native species which is what has been needed on this property all along. She noted that sooner or later a property that size so close to downtown is going to be developed and this proposal of two single dwellings is a great compromise.

Daphne Wainman-Wood, who represents the Old University Residents Association, advised she truly believe ones right to develop ones property however the environment should be considered first and they developing an environmentally sensitive area. She noted there are other options to develop the site and they could easily put multiple units in the house.

Chair L. McNair gave Ms. Norris an opportunity to speak to the concerns of neighbours.

Robin Lee Norris advised the Committee that the property is actually .65 hectares in area. She noted this information was also presented at the Environmental Advisory Committee. She noted there was fill placed on the abutting property when the house was constructed in 1970 which required the construction of the retaining wall. She noted the trees on the subject property should not be responsible for providing air conditioning to the neighbouring home. She further noted the man hole covers are being installed on the property to assist the municipality in the upkeep of the storm sewer system running through the property.

Application Number B-10/10

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

Moved by B. Birdsell and seconded by J. Hillen,

“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 27 and 28, Registered Plan 39, Maple Street, a parcel with a frontage along Maple Street of 27.38 metres (89.82 feet) and a depth of 30.48 metres (100 feet), be approved, subject to the following conditions:

1. That prior to endorstation of the deeds, the owner shall pay to the City, the watermain frontage charge of \$8.00 per foot for 176.38 feet (53.76 metres) of frontage on Maple Street.
2. 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 (2009)-18729, 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. That prior to endorsation of the deeds, the owner shall determine the actual location of the 600mm storm trunk sewer across part of lot 27 and lot 28, Registered Plan 39 and have an Ontario Land Surveyor prepare a reference plan showing the actual location of the 600mm storm trunk sewer and be responsible for the entire costs associated with the preparation and registration of the reference plan.
4. That prior to endorsation of the deeds, the owner grants a 6.00-metre (19.69 feet) wide easement over the lands to be severed (Proposed Parts 1 and 2) and over part of the retained lands (Proposed Part 3) for the existing 600mm (24") storm trunk sewer over part of lot 27 and lot 28, Registered Plan 39, registered on title, in favour of the City of Guelph.
5. That prior to endorsation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the easement.
6. That prior to endorsation of the deeds, the owner's solicitor certifies that the easement in favour of the City of Guelph, over part of lot 27 and lot 28, Registered Plan 39, has been granted and registered on title.
7. Prior to the issuance of a building permit on the lands, the owner shall have a Professional Engineer design a grading plan and storm water management system for the said lands, satisfactory to the General Manager/City Engineer.
8. That the owner grades, develops and maintains the site including the storm water management system designed by a Professional Engineer, in accordance with the Site Plan and Grading and Drainage Plan that have been submitted to and approved by the General Manager/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 stormwater management system was built as it was approved by the City and that it is functioning properly.
9. That prior to endorsation of the deeds, the owner shall have the professional engineer provide verification to the City that the existing storm pipe can withstand the earth loads when the proposed fill is placed on top of the pipe.
10. That prior to endorsation of the deeds, the owner shall have a qualified geotechnical engineer prepare a geotechnical report satisfactory to the General Manager of Planning and Building and to the General Manager/City Engineer ensuring that the proposed fill area slopes will be stable and that no adverse environmental effects will result.
11. That prior to endorsation of the deeds, the owner shall submit the geotechnical report to the Grand River Conservation Authority for comment.
12. That the owner pays the actual cost of constructing new service laterals to the proposed severed lands including the cost of any curb cuts or fills required, with the estimated cost of

- the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
13. That the owner relocates the existing service laterals to the existing house onto the lands being retained, satisfactory to the Plumbing Inspector, prior to endorstation of the deeds.
 14. That the owner pays the actual cost of constructing new service laterals to the proposed retained lands including the cost of any curb cuts or fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to endorstation of the deeds.
 15. That the owner pays the actual cost of the construction of the new driveway entrances and the required curb cuts, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
 16. 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.
 17. That prior to the issuance of any building permits on the said lands, 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.
 18. That a legal off-street parking space be created on the severed lands (Proposed Parts 1 and 2) at a minimum setback of 6-metres from the Maple Street property line.
 19. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed severed and retained lands, prior to the issuance of any building permits.
 20. That prior to issuance of a building permit, the applicant makes arrangement for provision of underground hydro servicing to the two severed parcels, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the owner's expense
 21. That a Woodland Management Plan/Compensation Plan be submitted and approved by City Staff prior to issuance of building permit for the two severed properties. The plan must include the following:
 - a) Details on the exact number of trees to be removed and based on that, the number of trees proposed for compensation;
 - b) Examination of the feasibility of transplanting any smaller caliper trees;
 - c) The proposed new plantings on site are identified as being native species. The Plan should outline how the proposed plantings will reflect continuity with the surrounding remaining woodlot;
 - d) Tree Protection Zone signage be installed on the fencing (see City Specifications) identifying the TPZ as being a no touch zone;
 - e) All tree protection fencing will need to be inspected prior to work commencing on site;

- f) Compensation for trees unable to fit on the property will be addressed through cash-in-lieu payable to the City for future City plantings.
22. That the monitoring section (section 10.0) of the Environmental Impact Study includes specific monitoring of the butternut located on the subject property. This can also be addressed in the Woodland Management Plan.
 23. That no vegetation removal is to take place during breeding bird season (May-July) as per the Migratory Bird Act (1994).
 24. That the recommendations made in Section 11 of the Environmental Impact Study be carried out.
 25. That the elevation and design drawings for the new dwellings on the severed parcel be submitted to, and approved by the General Manager of Planning & Building Services, prior to the issuance of a building permit for the new dwellings in order for staff to ensure that the design of the new dwellings respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
 26. That a site plan be submitted to, and approved by the General Manager of Planning & Building Services and the City Engineer, prior to the issuance of a building permit for the new dwellings on the severed parcels indicating:
 - a) The location and design of the new dwellings;
 - b) All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
 - c) The location of the new dwellings with a setback that is in character with the surrounding area;
 - d) Grading, drainage and servicing information;
 27. That prior to the issuance of a building permit for the severed parcels, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning & Building Services;
 28. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy and implement the above-noted conditions and to develop the site in accordance with the approved plans, all to the satisfaction of the General Manager of Planning and Building Services, City Solicitor and General Manager/City Engineer.

29. 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 February 6, 2013.
30. 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.
31. 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.
32. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Application Number B-11/10

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

Moved by B. Birdsell and seconded by J. Hillen,

"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 28, Registered Plan 39, Maple Street, a parcel with a frontage along Maple Street of 26.38 metres (86.54 feet) and a depth of 30.48 metres (100 feet), be approved, subject to the following conditions:

1. That prior to endorsonation of the deeds, the owner shall pay to the City, the watermain frontage charge of \$8.00 per foot for 176.38 feet (53.76 metres) of frontage on Maple Street.
2. 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 (2009)-18729, 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. That prior to endorsation of the deeds, the owner shall determine the actual location of the 600mm storm trunk sewer across part of lot 27 and lot 28, Registered Plan 39 and have an Ontario Land Surveyor prepare a reference plan showing the actual location of the 600mm storm trunk sewer and be responsible for the entire costs associated with the preparation and registration of the reference plan.
4. That prior to endorsation of the deeds, the owner grants a 6.00-metre (19.69 feet) wide easement over the lands to be severed (Proposed Parts 1 and 2) and over part of the retained lands (Proposed Part 3) for the existing 600mm (24") storm trunk sewer over part of lot 27 and lot 28, Registered Plan 39, registered on title, in favour of the City of Guelph.
5. That prior to endorsation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the easement.
6. That prior to endorsation of the deeds, the owner's solicitor certifies that the easement in favour of the City of Guelph, over part of lot 27 and lot 28, Registered Plan 39, has been granted and registered on title.
7. Prior to the issuance of a building permit on the lands, the owner shall have a Professional Engineer design a grading plan and storm water management system for the said lands, satisfactory to the General Manager/City Engineer.
8. That the owner grades, develops and maintains the site including the storm water management system designed by a Professional Engineer, in accordance with the Site Plan and Grading and Drainage Plan that have been submitted to and approved by the General Manager/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 stormwater management system was built as it was approved by the City and that it is functioning properly.
9. That prior to endorsation of the deeds, the owner shall have the professional engineer provide verification to the City that the existing storm pipe can withstand the earth loads when the proposed fill is placed on top of the pipe.
10. That prior to endorsation of the deeds, the owner shall have a qualified geotechnical engineer prepare a geotechnical report satisfactory to the General Manager of Planning and Building and to the General Manager/City Engineer ensuring that the proposed fill area slopes will be stable and that no adverse environmental effects will result.
11. That prior to endorsation of the deeds, the owner shall submit the geotechnical report to the Grand River Conservation Authority for comment.
12. That the owner pays the actual cost of constructing new service laterals to the proposed severed lands including the cost of any curb cuts or fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.

13. That the owner relocates the existing service laterals to the existing house onto the lands being retained, satisfactory to the Plumbing Inspector, prior to endorstation of the deeds.
14. That the owner pays the actual cost of constructing new service laterals to the proposed retained lands including the cost of any curb cuts or fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to endorstation of the deeds.
15. That the owner pays the actual cost of the construction of the new driveway entrances and the required curb cuts, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
16. 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.
17. That prior to the issuance of any building permits on the said lands, 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.
18. That a legal off-street parking space be created on the severed lands (Proposed Parts 1 and 2) at a minimum setback of 6-metres from the Maple Street property line.
19. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed severed and retained lands, prior to the issuance of any building permits.
20. That prior to issuance of a building permit, the applicant makes arrangement for provision of underground hydro servicing to the two severed parcels, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the owner's expense
21. That a Woodland Management Plan/Compensation Plan be submitted and approved by City Staff prior to issuance of building permit for the two severed properties. The plan must include the following:
 - a) Details on the exact number of trees to be removed and based on that, the number of trees proposed for compensation;
 - b) Examination of the feasibility of transplanting any smaller caliper trees;
 - c) The proposed new plantings on site are identified as being native species. The Plan should outline how the proposed plantings will reflect continuity with the surrounding remaining woodlot;
 - d) Tree Protection Zone signage be installed on the fencing (see City Specifications) identifying the TPZ as being a no touch zone;
 - e) All tree protection fencing will need to be inspected prior to work commencing on site;
 - f) Compensation for trees unable to fit on the property will be addressed through cash-in-lieu payable to the City for future City plantings.

22. That the monitoring section (section 10.0) of the Environmental Impact Study includes specific monitoring of the butternut located on the subject property. This can also be addressed in the Woodland Management Plan.
23. That no vegetation removal is to take place during breeding bird season (May-July) as per the Migratory Bird Act (1994).
24. That the recommendations made in Section 11 of the Environmental Impact Study be carried out.
25. That the elevation and design drawings for the new dwellings on the severed parcel be submitted to, and approved by the General Manager of Planning & Building Services, prior to the issuance of a building permit for the new dwellings in order for staff to ensure that the design of the new dwellings respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
26. That a site plan be submitted to, and approved by the General Manager of Planning & Building Services and the City Engineer, prior to the issuance of a building permit for the new dwellings on the severed parcels indicating:
 - a) The location and design of the new dwellings;
 - b) All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
 - c) The location of the new dwellings with a setback that is in character with the surrounding area;
 - d) Grading, drainage and servicing information;
27. That prior to the issuance of a building permit for the severed parcels, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning & Building Services;
28. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy and implement the above-noted conditions and to develop the site in accordance with the approved plans, all to the satisfaction of the General Manager of Planning and Building Services, City Solicitor and General Manager/City Engineer.
29. 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 February 6, 2013.

30. 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.
31. 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.
32. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Application Number A-12/10

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 J. Hillen,

"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 6 and Section 5.1.2.7 of Zoning By-law (1995)-14864, as amended, for Part of Lots 27 and 28, Registered Plan 39, Maple Street, to permit a residential dwelling to be setback 9.1 metres (29.85 feet) from Maple Street when the By-law requires the minimum setback for any dwelling be the average of the setbacks of the properties having lot frontage within the same block face [19.04 metres (58 feet)], be approved, subject to the following condition:

1. That the conditions imposed for Application B-10/10 be and form part of this approval."

Carried.

Application Number A-1310

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 J. Hillen,

“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 6 and Section 5.1.2.7 of Zoning By-law (1995)-14864, as amended, for Part of Lot 28, Registered Plan 39, Maple Street, to permit a residential dwelling to be setback 12.1 metres (39.7 feet) from Maple Street when the By-law requires the minimum setback for any dwelling be the average of the setbacks of the properties having lot frontage within the same block face [19.04 metres (58 feet)], be approved, subject to the following condition:

1. That the conditions imposed for Application B-11/10 be and form part of this approval.”

Carried.

Application Number A-13/10

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 J. Hillen,

“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 4 and Section 5.1.2.6 of Zoning By-law (1995)-14864, as amended, for Part of Lots 27 and 28, Registered Plan 39, Maple Street, to permit the retained parcel to have a lot frontage of 10.82 metres (35.49 feet) when the By-law requires the minimum lot frontage be the average of the properties having lot frontage within the same block face [18 metres (70.9 feet)], be approved, subject to the following condition:

1. That the conditions imposed for Applications B-10/10 and B-11/10 be and form part of this approval.”

Carried.

The meeting adjourned at 8:45 p.m.

L. McNair
Chair

K. E. Fairfull, ACST
Secretary-Treasurer