

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday February 28, 2012 at 4:00 p.m. in Meeting Room B, City Hall, with the following members present:

J. Hillen  
B. Birdsell  
J. Andrews  
D. Kelly, Chair

Regrets: L. McNair  
R. Funnell  
A. Diamond

Staff Present: R. Kostyan, Planner  
K. Fairfull, Secretary-Treasurer  
M. Bunnett, Assistant Secretary-Treasurer

### Declarations of Pecuniary Interest

Committee member J. Hillen declared a pecuniary interest for Application A-34/12 at 525 Grange Road as his employer has a working relationship with the applicant. There were no further declarations of pecuniary interest.

### Meeting Minutes

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

“THAT the Minutes from the February 14, 2012 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

The Assistant Secretary-Treasurer informed several emails and letters were received today in opposition of application B-8/12 for 161 Neeve Street. She noted the correspondence has been circulated for Committee members for review.

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The Assistant Secretary-Treasurer informed the Committee that a letter in opposition from the Ministry of Transportation has been circulated to the Committee members and the applicant regarding application B-11/12 for 817 Hanlon Road.

Planner R. Kostyan noted a letter was received from Ontario Municipal Board on February 24, 2012 informing that the Interim Control By-law is no longer in effect.

Staff advised the Committee that the applicant for 248 Water Street was in the audience.

The Committee members informed the owner of 248 Water Street, application number A-28/12, that his application for a minor variance from the Interim Control By-law is no longer required. The Committee members discussed a refund of the application fees.

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

“THAT the Secretary-Treasurer refund 50% (\$216.50) of the application fee for application A-28/12 at 248 Water Street.”

Committee member J. Hillen, having declared a pecuniary for the following application, left the room at 4:10 p.m.

**Application:**                **A-34/12**  
**Owner:**                    **Upper Grand District School Board**  
**Agent:**                    **Zas Architects Inc.**  
**Location:**                **525 Grange Road**  
**In Attendance:**        **Blair Capling**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. B. Capling replied the sign was posted and they have received staff comments. He explained the school very rarely occupies both the gym and class rooms at the same time but this is why they need a variance for off-street parking.

The Committee had no further questions for the applicant.

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. 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 4.13.4.4 of Zoning By-law (1995)-14864, as amended, for 525 Grange Road, to construct a 266 square metre (2,863.2 square foot) one storey addition and to permit 74 off-street parking spaces when the By-law requires 80 off-street parking spaces,

be approved subject to the following condition:

1. The Owner agrees to submit and receive approval from 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 to the satisfaction of the General Manager of Planning Services and the General Manager/City Engineer, prior to the issuance of a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.”

Carried

Committee member J. Hillen was summoned back to the room at 4:12 p.m.

**Application:** B-12/12  
**Owner:** Fix Inc.  
**Agent:** L. Alan Grinham Architect Inc.  
**Location:** 5 and 7 Cambridge Street  
**In Attendance:** Lloyd Grinham  
Tanis Maynard-Langedijk

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. L. Grinham replied the sign was posted and the staff comments were received. He explained they have reviewed the severance several times with Building Services and Zoning and had no further comments to add to his application.

The Committee members had no questions for the applicant.

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 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 582, Registered Plan 8, 7 Cambridge Street, a parcel with a frontage along Cambridge Street of 8.754 metres and a depth of 29.671 metres,

- a) together with easements (Parts 4 and 6 on draft Reference Plan, project number 10-8675) which runs behind the dwelling at 5 Cambridge Street and along the left rear side yard of 3 Cambridge Street, for protection of an existing sanitary sewer lateral serving 7 Cambridge Street,
- b) together with a right-of-way (Parts 7, 8 and 9 of draft Reference Plan, project number 10-8675) to provide vehicular access to off-street parking spaces in the rear yards of 5 and 7 Cambridge Street,

be approved subject to the following conditions:

1. That prior to endorstation of the deeds, a one hour fire separation must be provided to separate the two dwelling units. This fire separation must extend vertically from the basement through all storeys into the attic space. A building permit will be required to construct this fire separation if it does not exist.
2. That prior to endorstation of the deeds, proper access hatches must be provided into the attic space for each dwelling unit.
3. That prior to endorstation of the deeds, the owner shall pay to the City, the watermain frontage charge of \$8.00 per foot for 55.65 feet (16.961 metres) of frontage on Cambridge Street.
4. That the owner enters into a Storm Sewer Agreement, as established by the City, providing a grading and drainage plan, registered on title, prior to endorstation of the deeds.
5. Prior to endorstation of the deeds, 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.

6. Prior to endorsation of the deeds, the owner shall verify the location and position of the existing sanitary sewer laterals and water service laterals serving both 5 and 7 Cambridge Street.
7. Prior to endorsation of the deeds, the owner shall have a licensed Master Plumber certify in writing that the plumbing inside each unit is separate from and independent of the plumbing in the other unit.
8. That prior to endorsation of the deeds, the servient tenement (5 Cambridge Street), grants an easement approximately 3.0-metres (10.0 feet) to approximately 3.144-metres (10.31 feet) wide by approximately 8.414-metres (27.60 feet) to approximately 8.398-metres (27.55 feet) long (Proposed Part 4), registered on title, in favour of the dominant tenement (7 Cambridge Street) for the existing sanitary sewer lateral.
9. That prior to endorsation of the deeds, the servient tenement (3 Cambridge Street), grants an easement approximately 0.68-metres (2.23 feet) to approximately 0.713-metres (2.34 feet) wide by approximately 8.286-metres (27.13 feet) to approximately 8.498-metres (27.88 feet) long (Proposed Part 6), registered on title, in favour of the dominant tenement (5 Cambridge Street) for the existing sanitary sewer lateral.
10. That prior to endorsation of the deeds, the servient tenement (3 Cambridge Street) solicitor certifies that the sewer easement, in favour of the dominant tenement (5 Cambridge Street) has been granted and registered on title, in perpetuity.
11. That prior to endorsation of the deeds, the servient tenement (5 Cambridge Street) certifies that the sewer easement, in favour of the dominant tenement (7 Cambridge Street) has been granted and registered on title, in perpetuity.
12. That prior to endorsation of the deeds, the owner's of 3 Cambridge Street and 5 Cambridge Street shall have an Ontario Land Surveyor prepare a reference plan identifying any right-of-ways and conveyances.
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 2, 2013.
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 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried

**Application:**            **A-33/12**

**Owner:**                 **Fabbian Homes Inc.**

**Agent:**                 **Van Harten Surveying Inc.**

**Location:**            **165 Kemp Crescent**

**In Attendance:**       **Paul Magahay**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. P. Magahay replied the signs were posted and the staff comments were received. He explained the application is for new on-street townhouses and noted they should have asked for the 47% coverage through zoning. He commented they agree with Engineering’s conditions and are currently going through the site plan approval process. He explained the variance for setback from Grange Road is to accommodate services on the site.

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. Hillen 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 4.24, Table 5.3.2

Rows 8 and 5a, and Section 4.24 of Zoning By-law (1995)-14864, as amended, for 147, 149, 151, 153, 155, 157, 159, 161, 163 Kemp Crescent, to construct 9 on-street townhouse units on Block 21, Registered Plan 61M-175, and to permit

1. a building coverage of 47% for 147, 149, 151, 153, 155, 157, 159, 161, 163 Kemp Crescent, when the By-law permits a maximum building coverage of 40%,
2. 163 Kemp Crescent to be situate 20.47 metres (67.15 feet) from the centre line of Grange Road, when the By-law requires a minimum setback of 21 metres (68.89 feet) from the centre line of Grange Road [5.25 metres (17.2 feet) from the Grange Road property line],

be approved subject to the following condition:

1. The Owner agrees to submit and receive approval from 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 to the satisfaction of the General Manager of Planning and the General Manager/City Engineer, prior to the issuance of a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.”

Carried

**Application:** B-11/12

**Owner:** Neelam and Chardrakant Kothari

**Agent:** GSP Group Inc.

**Location:** 817 Hanlon Road

**In Attendance:** Bill Green  
Chardrakant Kothari

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. B. Green replied the sign was posted and the staff comments were received. He explained they have no concerns with Engineering's conditions. He commented the owner has been dealing with Ministry of Transportation (MTO) for several years regarding the purchase of part of or all of his property by MTO for a possible future interchange. He further noted the owner asked the MTO to expropriate his property but MTO has refused the request. He noted his client feels the staff comments are fair and accurate and feels that the Committee could

support the application. He continued by noting the proposed severed land complies with the Zoning By-law regulations and is compatible with the other properties in the area. He commented that the application is completely compatible with the surrounding neighbourhood and is a legitimate expression to utilize the large property with a more intensive use. He asked the Committee to either approve or refuse the application.

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 J. Andrews 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 9, Division G Concession 5, to be known municipally as 811 Hanlon Road, with a width of 15.13 metres (49.6 feet) and a depth of 30.4 metres (99.7 feet), be refused.”

Carried

**Application:** A-17/12  
**Owner:** Tanya Mayers  
**Agent:** n/a  
**Location:** 44 Clough Crescent  
**In Attendance:** Tanya Mayers  
Alice Stanivuk

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. T. Meyers replied the sign was posted and the comments were received. She explained that the variance is for less than a metre of an extension to the driveway. She noted the walkway has been extended along the driveway but also along the side of the dwelling leading to a side door. She commented that the neighbourhood is parking horizontally at the end of their driveways and on the grass. She continued by commenting her driveway looks nice, prevents her from parking on the grass while still leaving plenty of landscaping on her front yard.

Committee member J. Hillen questioned whether the owner parks her vehicle in the garage.

Ms. T. Meyers replied due to the small size of the garage, she does not park in the garage.

Ms. A. Stanivuk, owner of 46 Clough Crescent, explained she has also extended her driveway due to the fact that otherwise the driveway could not accommodate two vehicles while the third car is parked in the garage.

Planner R. Kostyan explained the City's townhouse zones have been designed to park one car in the garage and only one car in the driveway.

Chair D. Kelly noted that townhouse dwellings were not built to handle a large volume of parking and were not intended to have parking for more than two vehicles per dwelling.

Ms. A. Stanivuk commented there is no room to park vehicles on the street especially when overnight parking is not allowed.

Planner R. Kostyan commented that several variance applications have been filed on Clough Crescent due to violations of wide driveways or parking on the grass. She explained that the walkway adjacent to the driveway is permitted as long as it is not being used for parking. She noted the parking of a vehicle horizontally on City property at the end of the driveway is not allowed.

Chair D. Kelly informed the people in attendance that the Zoning Inspector is addressing the driveway width violations on Clough Crescent by sending letters to home owners.

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. 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 5.3.2.8 of Zoning By-law (1995)-14864, as amended, for 44 Clough Crescent, to permit a driveway width of 4.3 metres (14.10 feet), when the By-law requires the driveway width not exceed the garage width of the unit, as measured from the outside walls of the garage [3.708 metres (12.16 feet)], be refused."

Carried

**Application:           A-28/12**

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**Owner:** Andrew Arklie

**Agent:** n/a

**Location:** 248 Water Street

**In Attendance:** Andrew Arklie

The Committee did not consider the application due to the fact that they have been advised the Interim Control By-law is no longer in effect and the variance for application A-28/12 is no longer required.

**Application:** A-29/12

**Owner:** Skyline Estate Holdings Inc.

**Agent:** Astrid J. Clos Planning Consultants

**Location:** 1 Douglas Street

**In Attendance:** Astrid Clos  
Jason Ashdown  
Bernie Dyre

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. Clos replied that the notice sign was posted and comments were received from staff. She explained that the owner of the building and the owner of the restaurant are in attendance if the Committee has any questions. She explained they plan to establish an Italian restaurant on the premises with a large wood oven. She noted the restaurant would have a capacity of 125 persons and with the use of the outdoor patio (seasonal) 181 total patrons would be permitted in the establishment. She noted there were regulations introduced into the Zoning By-law to deal with the bars being established in the downtown. She advised the proposed restaurant meets the requirements for a licensed establishment however it exceeds the maximum floor area set out in the by-law. She explained Unit 1C is part of the Victoria Building and the tenant would like to utilize the existing stone walls as the limits for the unit. She explained the owner, Skyline, will be moving their head office into the Gummer redevelopment and there is no interest in a nightclub being located in the building. She advised the Committee received three letters in support of the application and the staff comments have no concerns with the application. She requested the Committee consider extending the liquor sales to 1:00 a.m. as the owner plans to provide New Years Eve packages or offer services for a party of 8-12 that would have an anniversary dinner which could extend beyond 12 a.m. She noted other

restaurants in the downtown do not have that same restriction and noted being open beyond 12:00 a.m. would not happen often.

Committee member J. Hillen questioned if the unit could be converted to a nightclub.

Planner R. Kostyan replied this was a concern from staff and the recommendation restricting the hours of operation was put forward.

Committee member B. Birdsell noted they would have to amend the liquor license and the licensing authority could receive public comment at that 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 B. Birdsell 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 5.3.2.5.2 of Zoning By-law (1995)-14864, as amended, for 1 Douglas Street, to establish a 383 square metre (4,122.57 square foot) restaurant on the main floor (Unit 1C) and to permit the licensed area to be 383 square metres (4,122.57 square feet) when the By-law requires the floor area of a licensed establishment not exceed 230 square metres (2,475.69 feet), be approved, subject to the following condition:

1. That liquor sales cease as of 1:01 a.m. for the licensed establishment.”

Carried

**Application:** A-27/12  
**Owner:** Igor Zaitsev  
**Agent:** n/a  
**Location:** 34 Simmonds Drive  
**In Attendance:** Igor Zaitsev

The Secretary-Treasurer summarized an opposing email received from a resident at 35 Simmonds Drive.

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Zaitsev replied he posted the notice sign and comments were received from staff. He explained he required a wider driveway to support an accessory unit in his basement. He explained the driveway widening is minimal and the extra width is supported by patio stones placed along the driveway.

Committee member J. Andrews questioned if the need for extra parking is related to a rental unit.

Planner R. Kostyan replied there is an accessory unit in the basement however there is no building permit for the accessory apartment.

Chair D. Kelly questioned if the apartment could exist without the parking variance.

Planner R. Kostyan explained the owner built an accessory apartment and in order to legalize the unit he needs a 5 metre driveway width to accommodate the required 3 parking spaces. She noted the By-law permits the driveway to occupy a maximum width equal to 50% of the lot frontage which is 4.36 metres maximum width.

Chair D. Kelly commented it is very difficult to construct an accessory apartment in some semi-detached zones because of the lot frontage.

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. Hillen 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 5.2.3.13.1.2 of Zoning By-law (1995)-14864, as amended, for 34 Simmonds Drive, to permit a driveway width of 5 metres (16.4 feet) which constitutes 57.4% of the front yard when the By-law requires that the driveway shall not constitute more than 50% of the front yard [4.36 metres (14.3 feet)], to support the parking required for an accessory unit, be refused.”

Carried

**Application:            A-21/12**

**Owner:** Malgorzata, Michael and Piotr Szal

**Agent:** n/a

**Location:** 16 Clough Crescent

**In Attendance:** Malgorzata Szal  
Andrew Marrett

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. Szal replied the notice sign was posted and comments were received from staff. She explained her son and three other students live at the unit. She explained the tenants need their cars as the bus service is not consistent and they live far away from the University of Guelph. She advised there is no on-street parking permitted in the winter months, therefore the driveway has been widened to accommodate the parking for the tenants. She noted the balance of the front yard would be supported with grass and plantings.

Planner R. Kostyan explained that the on-street townhouse has a frontage of 6 metres wide and the proposed driveway would result in 0.9 metres of grassed area. She explained the By-law only permits a driveway width equal to the width of the garage 3.15 metres and the applicant is requesting a driveway of 5.1 metres in width.

Andrew Marrett, who owns 22 Clough Crescent questioned why driveway extensions are not permitted. He noted there are materials that can be utilized for driveways where grass grows through the bricks and gives the impression there is a grassed area.

Planner R. Kostyan explained that the intent of the Zoning By-law in restricting a driveway to a maximum of the garage space is to ensure there is enough green space on the street and that it does not look like a parking lot where cars would dominate the streetscape. She noted one of the parking spaces must be provided in the attached garage.

Chair D. Kelly noted the houses on this street were not built to support accessory apartments with additional parking. In terms of the parking enforcement issue, it is being enforced as applications are being dealt with by 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, a variance from the requirements of Section 5.3.2.8 of Zoning By-law (1995)-14864, as amended, for 16 Clough Crescent, to permit a driveway width of 5.1 metres (16.83 feet) when the By-law requires the driveway width not exceed the garage width of the unit, as measured from the outside walls of the garage [3.15 metres (103 feet)], be refused.”

Carried

**Application:** A-30/12  
**Owner:** Sheldon Davis  
**Agent:** n/a  
**Location:** 88 Paisley Street  
**In Attendance:** Sheldon Davis

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. David replied the notice sign was posted and comments were received from staff. He explained he met with Planning staff prior to submitting the application and their concerns about fire protection were voiced at that time. He met with fire prevention staff and received a letter from them that they had no concern with no interconnection for fire-fighting because of the layout of the building. He explained the previous owner was granted permission for the accessory unit in 2004 and after the approval the owner blocked off access to the accessory unit in the basement. He noted they purchased the building and thought they were purchasing a legal apartment; however, when they recently applied for a building permit for renovations in the building they were advised the inter-connection must be provided.

Committee member J. Andrews questioned if the accessory unit met all the requirements of the Zoning By-law, with the exception of the inter-connection.

Planner R. Kostyan noted the intent of the Zoning By-law is to provide interconnection for emergency workers and to keep the unit accessory sub-ordinate to the main unit so a duplex is not created. She noted the removal of the inter-connection is one step closer to creating an duplex.

Committee member J. Hillen noted the owner will require a building permit.

Mr. Davis replied he will obtain a building permit and fire separations will be provided between the two 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 B. Birdsell 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 4.15.1.6 of Zoning By-law (1995)-14864, as amended, for 88 Paisley Street, to permit an accessory apartment in the basement without providing interior access between the accessory apartment and the host dwelling unit when the By-law requires that interior access is provided between floor levels and between the accessory apartment and the host dwelling unit, be approved.”

Carried

**Application:** A-19/12

**Owner:** Wilfred Dopheide

**Agent:** n/a

**Location:** 122 McArthur Crescent

**In Attendance:** Wilfred Dopheide  
Richard Woolfrey  
Margaret Annand  
Roseanne Jackson  
Marilyn and Robert Dautovich  
Heather and Ian Raynor

Chair D. Kelly addressed the Interim Control By-law being rescinded by the Ontario Municipal Board and noted the Committee will be dealing with the off-street parking variance only.

Mr. Woolfrey, on behalf of his client, agreed to withdraw the variance to the Interim Control By-law.

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Woolfrey replied the notice sign was posted and comments were received from staff. He explained staff opposes the request to reduce the number of off-street parking spaces being provided as three off-street parking spaces are required to support the accessory unit. He questioned how the applicant could meet the intent of the By-law.

Planner R. Kostyan explained the intent of the Zoning By-law is to provide 3 parking spaces to support the host unit and the accessory unit and the parking required be provided on the property. This ensures there is adequate on-street parking for visitors.

Rick Woolfrey explained the owner recently moved to Guelph because his family lives here. He noted his step daughter plans to move into the main unit and he would occupy the accessory unit as he plans to travel the majority of the year. He noted three parking spaces are not required as he will not be there 6 months/year. He noted they do not want to upset the aesthetics of the streetscape as it affects the abutting semi-detached unit by extending the driveway to provide the required three spaces.

Marilyn Dautovich who resides at 108 McArthur Crescent expressed concerns about parking on the street and the inability of the snow plough to have clear access. She noted there is no parking on the street for guests as the parking associated with the many accessory units is utilizing the spaces.

Ian Raynor who resides at 112 McArthur Crescent expressed his concerns related to the parking on the street. He noted he purchased the property as it was located on a quiet street and felt parking would not be an issue. He noted there are restrictive covenants for the buildings in the area and variance should not be allowed.

Roseanne Jackson, who resides next door, expressed her concern that the apartment was created without a building permit. She noted there are 4 residents in the house now and there is no parking on the street overnight. She noted the applicant needs to meet the requirements of the Zoning By-law to support an accessory unit.

The Committee agreed to withdraw the request for a variance to the Interim Control By-law as it is no longer necessary.

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 Section 4.13.4.3 of Zoning By-law (1995)-14864, as amended, for 122 McArthur Crescent, to permit an accessory apartment in the basement and to permit two off-street parking spaces when the By-law requires three off-street parking spaces for semi-detached dwellings with an accessory apartment, be refused.

Reasons for refusal being:

1. Approval of only two parking spaces would not meet the intent of the by-law and will not be good planning.”

Carried

**Application:** B-8/12

**Owner:** Paul Martin

**Agent:** Black, Shoemaker, Robinson and Donaldson

**Location:** 161 Neeve Street (Richardson Street)

**In Attendance:** John Sanvido  
Nancy Shoemaker  
Brad Moore

The Secretary-Treasurer advised further correspondence was received on the application which was distributed to the Committee members for reading. She further summarized the emails received in opposition of the application, and a petition submitted in opposition of the application was also received from the neighbours in the area.

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. Shoemaker replied the notice sign was posted and comments were received from staff. She noted the owner made application for a rezoning of the subject property to permit a semi-detached building in December 2010. She noted there was strong opposition from the neighbourhood so the application was withdrawn and an application was submitted for severance to construct a single home only. She noted that some of the communications received today by the neighbours relate to the concerns about two houses being constructed. She noted the retained parcel is a legal non-conforming duplex dwelling which had a commercial component at one time. She provided background on why the proposed severance complies with the Official Plan, the Growth Plan and the Provincial Policy Statement, all which

promote infill development in the built up areas. She explained an engineering consultant and Grand River Conservation Authority has reviewed the site and has no concerns. She noted staff is in support of the application and noted three off-street parking spaces will be provided to support the single dwelling use.

Mr. Brad Moore expressed concern that there are seven university students residing in the retained parcel and expressed concern another dwelling would be added to support more students. He noted this use creates noise and more cars where there is no provision for on-street parking now. He expressed further concern about the garbage and litter on the property.

Committee member B. Birdsell questioned if the neighbours have contacted By-law enforcement to deal with garbage concerns.

He replied he has not called but his neighbours have called.

The Committee questioned if the required parking spaces are provided for the retained parcel.

Planner R. Kostyan replied that 161 Neeve Street has a driveway width of 3.6 metres and three parking spaces are provided in the rear yard, which complies to the use in the building. She further noted staff has requested the owner submit a site plan for the severed parcel to staff for review to ensure the required parking is provided.

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 J. Andrews 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 Lot 146, Registered Plan 113, to be known as 47 Richardson Street, a parcel with a frontage of 18.5 metres (60.69 feet) along Richardson Street and depths of 63.484 metres (208.28 feet) and 46.056 metres (151.1 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 60.70 feet (18.50 metres) of frontage on Richardson Street.
2. That the owner pays the actual cost of the removal of the existing asphalt pavement within the road allowance from the existing driveway entrance including the required curb fill and replacing it with topsoil and sod to the satisfaction of the General Manager/City Engineer, 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.

3. 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.
4. 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.
5. 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.
6. That prior to the issuance of any building permits on the proposed severed 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 proposed severed lands.
7. That the owner pays 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 by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
8. That a legal off-street parking space be created on the severed lands at a minimum setback of 6-metres from the Richardson Street property line.
9. That the owner shall pay for all the costs associated with the removal of the existing shed and asphalt pavement from the lands to be severed to the satisfaction of the General Manager of Planning and Building Services, prior to endorsement of the deeds.
10. 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 lands, prior to the issuance of any building permits.
11. That the existing asphalt driveway on the western portion of the severed parcel be removed at the owner's expense.
12. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
13. 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 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.
14. 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.
  15. 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.
  16. 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 (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.
  17. That prior to issuance of building permit, the applicant makes arrangement with the technical services department of Guelph Hydro Electric Systems Inc. for hydro servicing to the newly created lot. The servicing costs would be at the applicant's expense.
  18. That prior to endorsement of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer and the Manager of Planning Services, 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 March 2, 2013.
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 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

The meeting adjourned at 7:02 p.m.

D. Kelly  
Chair

Minna Bunnett, ACST(A)  
Assistant Secretary-Treasurer

Kim Fairfull, ACST  
Secretary-Treasurer