

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday April 12, 2012 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell
J. Hillen
B. Birdsell
J. Andrews
A. Diamond
L. McNair – Chair
D. Kelly, Vice-Chair

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

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Meeting Minutes

Moved by B. Birdsell and seconded by A. Diamond,

“THAT the Minutes from the March 13, 2012 Regular Meeting of the Committee of Adjustment, be approved as amended.”

Carried

Other Business

The Assistant Secretary-Treasurer advised a letter was received from the Ontario Municipal Board regarding application A-80/11 for 415 Cole Road, which was refused by the Committee. The Board advised the appeal has been withdrawn as the Interim Control By-law is no longer in effect.

The Assistant Secretary-Treasurer advised a letter was received from the Ontario Municipal Board regarding application A-1/12 for 114 Bristol Street, which was refused by the Committee. The Board advised the appeal has been withdrawn as the Interim Control By-law is no longer in effect.

The Assistant Secretary-Treasurer advised a letter was received from the Ontario Municipal Board regarding application A-24/11 for 61 Rickson Avenue, which was refused by the Committee. The Board advised the appeal has been withdrawn as the Interim Control By-law is no longer in effect.

The Assistant Secretary-Treasurer advised that application B-11/12 at 817 Hanlon Road was appealed to the Ontario Municipal Board on March 21, 2012. The application was consent for severance and the Committee refused the application.

The Assistant Secretary-Treasurer advised she had received a withdrawal for an application at 51 Exhibition Street which was originally on the April 24, 2012 agenda. She explained the applicant requested a refund or a partial refund of the application fee on April 2, 2012. She provided background related to the file.

Moved by A. Diamond and seconded by J. Andrews;

“THAT the Secretary-Treasurer refund 100% (\$450) of the application fee for application A-54/12 at 51 Exhibition Street.”

Carried

Application: B-13/12
Owner: Ivan Noel
Agent: n/a
Location: 39 Wheeler Avenue
In Attendance: Ivan Noel
Leanne Perry

The Assistant Secretary-Treasurer advised no sign is required to be posted for a change of condition.

Chair L. McNair questioned if the applicant received the staff comments.

Mr. I. Noel replied he did receive the staff comments. He explained the application is to request more time for finalizing the conditions imposed. He commented he is planning to build the new dwelling with consideration to energy efficient and environmentally friendly products. He explained he has the plans ready for the new dwelling and is focusing currently on redoing the parking space.

Chair L. McNair questioned if 12 months will be enough of time to finalize the project.

Mr. I. Noel replied 12 months is sufficient.

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 R. Funnell 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, permission for change of condition for Part of Lots 21 and 22, Registered Plan 337, to be known as 35 Wheeler Avenue, a parcel with a frontage of 9.42 metres (30.9 feet) along Wheeler Avenue and a depth of 26.06 metres (85.4 feet), be approved, subject to the following conditions:

1. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage for 30.90 feet (9.42 metres), prior to endorstation of the deeds.
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. The owner applies for sanitary and water laterals for the proposed severed lands and pays the rate in effect at the time of application, 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 endorstation 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 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 Wheeler Avenue property line.
9. That the owner shall pay for all the costs associated with the removal of the existing garage, a portion of the asphalt driveway and concrete pad from the lands to be severed to the satisfaction of the General Manager of Planning Services, prior to endorstation of the deeds;
10. That the owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the lands, prior to endorstation of the deeds.
11. That the elevation and design drawings for the new dwelling 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 dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood; and that any proposed garage is detached and located to the rear of the dwelling or attached and recessed behind the main front wall of the dwelling.
12. That a site plan be submitted to, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwellings on the severed parcel indicating:
 - a) The location and design of the new dwelling;
 - b) That the location of the new dwelling maintains a setback that is in character with the surrounding area;
 - c) No windows are permitted in the northerly (left) side yard of the dwelling on the severed parcel without the written approval of the property owner of 19 Wheeler Avenue and
 - d) Grading, drainage and servicing information.
13. That the Owner receive a demolition permit and removes the existing detached garage prior to the endorstation of the deeds.

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 endorsation of the deeds, at the rate in effect at the time of the endorsation.
15. Prior to the issuance of any building permit for the severed lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to the 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.
16. That prior to issuance of a building permit, the applicant makes arrangement for provision of overhead or underground hydro servicing to the severed parcel, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the owner's expense.
17. That prior to endorsation of the deeds the parking area and required screening for the retained lot be developed in accordance with Zoning By-law regulations.
18. That prior to the 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.
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 April 13, 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) or supplied on a compact disk.”

Carried

Application: B-15/12, B-16/12 and B-17/12

Owner: Lunor Group Inc.

Agent: Astrid J. Clos Planning Consultants

Location: 294 Grange Road

In Attendance: Astrid Clos
Shawn McGuire

The Assistant Secretary-Treasurer advised no sign is required to be posted for a change of condition. She also advised that a letter was received from the applicant to consider a full refund for the applications being heard for 294 Grange Road. She explained this request for change of condition is due to the addressing problems of these future properties which were outside of the property owner’s control.

Planner R. Kostyan explained the delay was due to a requirement in the zone change process that an existing adjacent property be re-addressed for which the property owner has now agreed to.

Chair L. McNair questioned if the applicant received the staff comments.

Ms. A. Clos replied she did receive the staff comments. She explained they have worked towards satisfying the conditions where the addressing condition was a stumbling block. She noted they just recently received notification that the addressing is no longer a problem and therefore they would require more time to finalize the project.

Application B-15/12

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 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, permission for change of condition for Part Lot 6, Registered Plan 53, Grange Road, a parcel with a frontage of 9.62 metres (31.56 feet) along Grange Road and a depth of 32 metres (104.98 feet), be approved, subject to the following conditions:

1. That the owner and any mortgagees enter into a Subdivision Agreement with the City, registered on title, satisfactory to the City Solicitor, which contains conditions covering but not limited to:
 - a) registration of agreement;
 - b) payment of Development Charges;
 - c) gravity connection to the sanitary sewer for all dwellings;
 - d) payment of all outstanding debts owed to the City;
 - e) costs of design, construction and reconstruction of all services;
 - f) costs of design, construction and reconstruction of any road work;
 - g) scheduling of development and payment of costs;
 - h) preparation of an overall grading and drainage plan;
 - i) construction of erosion and sediment control facilities;
 - j) tree planting;
 - k) submission of a stormwater management plan and report;
 - l) the surface discharge of sump pumps;
 - m) cash-in-lieu of parkland.
 - n) submission of individual site plans.
2. That the developer 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 294 Grange Road as shown in red on the applicants site plan, prior to endorstation of the deeds.
3. That the developer shall connect the existing dwelling to the sanitary sewer main and water main to the satisfaction of the City Engineer and the City's Plumbing/Sewage System Inspector, prior to endorstation of the deeds.
4. That prior to the connection of the existing dwelling to the sanitary sewer main and watermain, the owner will be responsible to decommission the existing septic system and private well to the satisfaction of the City's Plumbing/Sewage System Inspector.
5. That prior to endorstation of the deeds, the owner shall pay to the City their share of the actual cost of the existing downstream stormwater management system, existing watermain, sanitary sewer, storm sewer, roadworks, including sidewalks, boulevards, curb and gutter and any street lighting

upgrades, across the frontage of the property, as determined by the City Engineer.

6. That the developer shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the lands, prior to endorsation of the deeds.
7. That the developer shall ensure that all telephone service and cable TV service in the lands shall be underground. The developer shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the lands, prior to endorsation of the deeds.
8. That the addresses of the subject properties be modified in keeping with the City's Addressing Policy to the satisfaction of the General Manager of Planning Services prior to deed endorsation.
9. That prior to the endorsation of deeds, the address of the retained parcel be modified in keeping with the City's Addressing Policy to the satisfaction of the General Manager of Planning Services.
10. 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.
11. 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.
12. 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.
13. That prior to building or endorsation of the deed, the applicant makes arrangement for the underground hydro servicing to the severed parcels,

satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. An underground road crossing across Grange Road is required for the services to the three lots. This will be at the owner's expense.

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 April 13, 2013.
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 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Application B-16/12

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 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, permission for change of condition for Part Lot 6, Registered Plan 53, Grange Road, a parcel with a frontage of 9.62 metres (31.56 feet) along Grange Road and a depth of 32 metres (104.98 feet), be approved, subject to the following conditions:

1. That the owner and any mortgagees enter into a Subdivision Agreement with the City, registered on title, satisfactory to the City Solicitor, which contains conditions covering but not limited to:
 - a) registration of agreement;
 - b) payment of Development Charges;
 - c) gravity connection to the sanitary sewer for all dwellings;
 - d) payment of all outstanding debts owed to the City;
 - e) costs of design, construction and reconstruction of all services;
 - f) costs of design, construction and reconstruction of any road work;
 - g) scheduling of development and payment of costs;
 - h) preparation of an overall grading and drainage plan;
 - i) construction of erosion and sediment control facilities;
 - j) tree planting;
 - k) submission of a stormwater management plan and report;
 - l) the surface discharge of sump pumps;
 - m) cash-in-lieu of parkland.
 - n) submission of individual site plans.
2. That the developer 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 294 Grange Road as shown in red on the applicants site plan, prior to endorstation of the deeds.
3. That the developer shall connect the existing dwelling to the sanitary sewer main and water main to the satisfaction of the City Engineer and the City's Plumbing/Sewage System Inspector, prior to endorstation of the deeds.
4. That prior to the connection of the existing dwelling to the sanitary sewer main and watermain, the owner will be responsible to decommission the existing septic system and private well to the satisfaction of the City's Plumbing/Sewage System Inspector.
5. That prior to endorstation of the deeds, the owner shall pay to the City their share of the actual cost of the existing downstream stormwater management system, existing watermain, sanitary sewer, storm sewer, roadworks, including sidewalks, boulevards, curb and gutter and any street lighting upgrades, across the frontage of the property, as determined by the City Engineer.
6. That the developer shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the lands, prior to endorstation of the deeds.

7. That the developer shall ensure that all telephone service and cable TV service in the lands shall be underground. The developer shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the lands, prior to endorsement of the deeds.
8. That the addresses of the subject properties be modified in keeping with the City's Addressing Policy to the satisfaction of the General Manager of Planning Services prior to deed endorsement.
9. That prior to the endorsement of deeds, the address of the retained parcel be modified in keeping with the City's Addressing Policy to the satisfaction of the General Manager of Planning Services.
10. 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.
11. 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.
12. 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.
13. That prior to building or endorsement of the deed, the applicant makes arrangement for the underground hydro servicing to the severed parcels, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. An underground road crossing across Grange Road is required for the services to the three lots. This will be at the owner's expense.
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 April 13, 2013.

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 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application B-17/12

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 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, permission for change of condition for Part Lot 6, Registered Plan 53, Grange Road, a parcel with a frontage of 9.62 metres (31.56 feet) along Grange Road and a depth of 32 metres (104.98 feet), be approved, subject to the following conditions:

1. That the owner and any mortgagees enter into a Subdivision Agreement with the City, registered on title, satisfactory to the City Solicitor, which contains conditions covering but not limited to:
 - a) registration of agreement;
 - b) payment of Development Charges;

- c) gravity connection to the sanitary sewer for all dwellings;
 - d) payment of all outstanding debts owed to the City;
 - e) costs of design, construction and reconstruction of all services;
 - f) costs of design, construction and reconstruction of any road work;
 - g) scheduling of development and payment of costs;
 - h) preparation of an overall grading and drainage plan;
 - i) construction of erosion and sediment control facilities;
 - j) tree planting;
 - k) submission of a stormwater management plan and report;
 - l) the surface discharge of sump pumps;
 - m) cash-in-lieu of parkland.
 - n) submission of individual site plans.
2. That the developer 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 294 Grange Road as shown in red on the applicants site plan, prior to endorsement of the deeds.
 3. That the developer shall connect the existing dwelling to the sanitary sewer main and water main to the satisfaction of the City Engineer and the City's Plumbing/Sewage System Inspector, prior to endorsement of the deeds.
 4. That prior to the connection of the existing dwelling to the sanitary sewer main and watermain, the owner will be responsible to decommission the existing septic system and private well to the satisfaction of the City's Plumbing/Sewage System Inspector.
 5. That prior to endorsement of the deeds, the owner shall pay to the City their share of the actual cost of the existing downstream stormwater management system, existing watermain, sanitary sewer, storm sewer, roadworks, including sidewalks, boulevards, curb and gutter and any street lighting upgrades, across the frontage of the property, as determined by the City Engineer.
 6. That the developer shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the lands, prior to endorsement of the deeds.
 7. That the developer shall ensure that all telephone service and cable TV service in the lands shall be underground. The developer shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the lands, prior to endorsement of the deeds.

8. That the addresses of the subject properties be modified in keeping with the City's Addressing Policy to the satisfaction of the General Manager of Planning Services prior to deed endorsement.
9. That prior to the endorsement of deeds, the address of the retained parcel be modified in keeping with the City's Addressing Policy to the satisfaction of the General Manager of Planning Services.
10. 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.
11. 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.
12. 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.
13. That prior to building or endorsement of the deed, the applicant makes arrangement for the underground hydro servicing to the severed parcels, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. An underground road crossing across Grange Road is required for the services to the three lots. This will be at the owner's expense.
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 April 13, 2013.
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 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Secretary Treasurer K. Fairfull commented that the staff is in support of a full refund since the delay was beyond the applicant's control.

Moved by A. Diamond and seconded by D. Kelly;

"THAT the Secretary-Treasurer refund 100% of the change of condition application fees for applications B-15/12, B-16/12 and B-17/12 (\$2,016 total) at 294 Grange Road."

Carried.

Application: A-42/12
Owner: Upper Grand District School Board
Agent: Hossack and Associates Architects
Location: 50 Laurine Avenue
In Attendance: Blair Capling

Chair L. McNair 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 the staff comments were received. He explained normally a garbage enclosure would be placed in the rear or side yard. He commented they are making the effort of keeping the garbage bins away from the school children by placing them in the front yard. He explained the Zoning By-law states a garbage enclosure must be closed on all

four sides. He commented they have had problems with large gate doors hurting the truck drivers and explained that for the safety of the drivers, they would prefer not to have doors at all.

Committee member B. Birdsell questioned whether the applicant had considered using a molok garbage container which is placed in the ground.

Mr. B. Capling replied that they have an existing contract with a company which uses trucks to lift the garbage bins up. He explained it would be costly to have only a couple of schools with moloks and the rest with the regular garbage containers.

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. Diamond and seconded by R. Funnell,

“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 4.5.1, 4.9.1 and 4.9.2 of Zoning By-law (1995)-14864, as amended, for 50 Laurine Avenue,

- a) to permit the garbage enclosure to be located in the front yard when the By-law permits a garbage enclosure (accessory building or structure) in a side yard or rear yard only, and
- b) to permit the third side of the garbage enclosure to have no visual screening (facing the school parking area) when the By-law requires that every garbage or refuse storage area, which is visible from an adjoining site zoned residential, have a visual screening consisting of fencing,

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

Application: A-52/12

Owner: Gay Lea Foods Co-operative Ltd.

Agent: Kevin Maynard, Gay Lea Foods

Location: 21 Speedvale Avenue West

In Attendance: Kevin Maynard
Herman Arias

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

Mr. K. Maynard replied the sign was posted and they did receive the staff comments. He explained that they are planning to construct a new electrical room at the rear of the facility which will be encroaching the required rear yard. He noted that the property at the rear is also owned by Gay Lea.

Mr. H. Arias explained that last fall they made plans to expand their butter line which included an addition for raising the roof. He continued by explaining that they realized after the fact that they would have no electricity to this addition. He noted they had to return to the Committee of Adjustment to be able to execute the entire scope of the work.

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 B. Birdsell and seconded by A. Diamond,

“THAT in the matter of an application under Section 45(2)(a)(i) of the Planning Act, R.S.O. 1990, c.P13, as amended, for 21 Speedvale Avenue West, permission to extend the legal non-conforming use and to construct a 33.35 square metre (358.97 square foot) electrical room addition to the rear of the existing building located 2.23 metres (7.31 feet) from the rear 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: A-44/12
Owner: Lori Partridge
Agent: Riverwood Custom Homes
Location: 93 Division Street
In Attendance: Lori Partridge

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

Ms. L. Partridge replied that the signs were posted and she did receive the staff comments. She explained they are proposing to build an addition to the rear of an existing building. She noted the property is a corner lot and the proposed one storey addition would be 17 feet from Edgehill Drive when the existing house will remain 14.5 feet from Edgehill Drive.

The Committee had no questions to 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 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 Table 5.1.2 Row 6a and Section 5.1.2.7 i) of Zoning By-law (1995)-14864, as amended, for 93 Division Street, to permit a 72.5 square metre (780.6 square foot) one storey addition to be located 5.8 metres (17 feet) from the exterior side yard on Edgehill Drive when the By-law requires any new additions be setback from Edgehill Drive equal to the average of the existing setbacks within the existing block face [9.3 metres (30.6 feet)], be approved.”

Carried

Application: **A-48/12**

Owner: **Roger and Penny MacDonald**

Agent: **Mark Neyvatte**

Location: **45 Division Street**

In Attendance: **Roger McDonald**
 Penny McDonald
 Mark Neyvatte

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

Mr. M. Neyvatte replied the sign was posted and they did receive the staff comments. He explained that they are proposing to remove an existing deteriorating front porch. He commented the existing porch is close to the front property line and is in the sight line. He noted 11 residences on the street have covered porches and 4 of them are located closer to the front property line than what he is proposing. He continued by commenting that the new porch will fit well in the neighbourhood and the railing will allow to see pedestrians approaching.

Committee member J. Andrews questioned staff whether an encroachment agreement would be appropriate for the proposed porch.

Planner R. Kostyan replied the encroachment of the stairs is minor in nature and is an existing condition which the City is comfortable with.

Mr. R. McDonald commented the intention is to construct an open porch. He explained the current porch is in the same location and the open nature of the porch will make it able to see pedestrians on 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 D. Kelly and seconded by A. Diamond,

“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 Row 3 of Zoning By-law (1995)-14864, as amended, for 45 Division Street,

- a) to permit a 2.13 metre by 5.33 metre (7 foot by 17.5 foot) roofed porch be located 0.6 metres (2 feet) from the front lot line when the By-law permits a roofed porch to be located a minimum of 2 metres (6.56 feet) from the front lot line;
 - b) to permit the stairs of the roofed porch to project 3.43 metres (11.28 feet) into the required front yard [2.82 metres (9.28 feet)] when the By-law permits the stairs to have a maximum projection of 3 metres (9.84 feet) into the required front yard and be located a minimum of 0 metres from the front lot line when the By-law requires a minimum setback of 0.8 metres (2.62 feet) from the front lot line, and,
 - c) to permit a portion of the roofed porch and steps to be located in the driveway sightline triangle when the By-law permits no building, structure, play equipment, statue or parked motor vehicle to be located within the driveway sightline triangle,
- be approved.”

Carried

Application: **A-41/12**

Owner: **Wayne Boadway**

Agent: **n/a**

Location: **44 Tanager Drive**

In Attendance: **Wayne Boadway**

The Secretary Treasurer advised an email was received from the property owner of 32 Tanager Drive supporting the application but requesting to preserve the appearance of the walkway to the park by screening the proposed exterior stairs.

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

Mr. Boadway replied that the sign was posted and the staff comments were received. He explained that their goal is to construct an accessory apartment in the basement and therefore they would like to provide a private entrance to the apartment. He commented they would prefer to construct the stairs in the South side of the home. He explained that due to the dimension of the proposed stairs, a clearance of 0.6 metres cannot be accomplished. He further

explained that the distance of 0.46 metres to the property line next to a laneway should not cause an adverse impact on the neighbours.

Committee member A. Diamond questioned whether the garage is being used for parking or for storage.

Mr. W. Boadway replied that their garage is being used for parking.

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 R. Funnell 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 12 of Zoning By-law (1995)-14864, as amended, for 44 Tanager Drive, to permit exterior basement stairs to be located 0.46 metres (1.51 feet) from the right side property line when the By-law requires that exterior stairs be setback a minimum of 0.6 metres (1.97 feet) from any side yard, be approved subject to the following condition:

1. That the owner shall construct the exterior basement stairway including the concrete sidewall to the satisfaction of the General Manager of Planning and the General Manager/City Engineer, at the proposed 0.46-metres (1.51 feet) from the right side property line.”

Carried

Application: A-43/12
Owner: Vincenzo, Bruna and Eustachio Scandiffio
Agent: n/a
Location: 14 Clough Crescent
In Attendance: Bruna Scandiffio

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

Ms. B. Scandiffio replied that the sign was posted and the staff comments were also received. She explained there are students living in the dwelling and the property can fit only one vehicle in the driveway and one vehicle in the garage. She further explained they have extended the driveway to create more room for a second vehicle.

Committee member R. Funnell questioned whether the applicant asked for input from City staff prior to widening the driveway.

Ms. B. Scandiffio replied they live in Mississauga and did not realize they needed a permission to widen the driveway.

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 A. Diamond,

“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 14 Clough Crescent, to permit a driveway width of 5.3 metres (17.3 feet) when the By-law requires that the front yard on any lot, excepting the driveway, shall be landscaped and no parking shall be permitted within this landscaped open space and that the driveway width shall not exceed the garage width of the unit, as measured from the outside walls of the garage [3.15 metres (10.3 feet)], be refused.

Reason for refusal being:

1. A large driveway with a hard surface does not meet the intent of the Zoning By-law and does not pass the four tests of the Planning Act.”

Carried

Application: A-45/12
Owner: Barry Martin
Agent: Barry Martin
Location: 32 Mason Court

In Attendance: Barry Martin

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

Mr. Martin replied the notice sign was posted and comments were received from staff. He explained at present time there is a single dwelling unit and he has submitted a building permit application for an accessory unit. He explained he can comply with the three required parking spaces; however they would be stacked in the driveway. He noted there are accessory units on Mason Court (#7, #19 and #24) who have accommodated accessory units with stacked parking in the driveway. He advised the tenant on the main floor has one car and it is anticipated the proposed tenant would also have a car.

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 R. Funnell seconded by A. Diamond,

“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 4.15.1.4.1 of Zoning By-law (1995)-14864, as amended, for 32 Mason Court, to permit three off-street parking spaces stacked in the driveway in the right side yard to support an accessory unit, be refused.”

Carried.

Application: A-53/12
Owner: Weisen Gao and Bo Wang
Agent: Weisen Gao and Bo Wang
Location: 17 Tolton Drive
In Attendance: Weisen Gao
Bo Wang

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

Mr. Gao replied the notice sign was posted however the wind kept blowing the sign over. He did note they approached all their neighbours about the proposal. He explained the main dwelling faces Tolton Drive with no driveway access and there is an accessory building facing Wilkie Crescent which contains a residential unit. He explained they have three cars and his tenants have two cars and the existing detached garage and driveway area only accommodates four vehicles. He explained his proposal is to add one driveway to accommodate one additional vehicle. He explained there is a sidewalk along the east side of Wilkie Street which inhibits stacked parking in the driveway. He advised there is on street parking on the other side of the street but not overnight parking. He explained the intent of the Zoning By-law was to control the amount of hard landscape in the front yard which is accomplished on his property as the front yard has no vehicular access. He explained he has 43.6 square metres of hard surface and wants to extend this surface by 16.44 square metres for a total area of 60.04 square metres. He summarized amount of hard landscaping occupied by other models along the street which has hard surface of 80.12 square metres up to 106.45 square metres. He further noted the 3 metre by 3 metre sightline triangle identified by Engineering Services does not pose a safety concern as the porch in the abutting unit is open. He identified the designs being considered for the driveway.

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. Diamond 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 4.13.7.2 and Table 5.1.2-Row 12 of Zoning By-law (1995)-14864, as amended, to create a second driveway from Wilkie Crescent with a width of 2.74 metres (8.9 feet), resulting in a combined driveway width of 8.9 metres (29.2 feet), which would occupy 68.5% of the Wilkie Crescent front yard when the By-law requires one driveway access only shall be created per residential property and the driveways shall not constitute more than 50% of the front yard, be refused.”

Reasons for refusal being:

1. The general intent and purpose of the Zoning by-law is not being met as some neighbourhoods cannot support the additional parking required.
2. The variance would not result in desirable development of the property.”

Carried

Committee member A. Diamond expressed concern with the many applications the Committee has dealt with during the last year with respect to driveway width variances and noted it needs to be addressed.

Application: B-14/12, A-49/12 and A-50/12

Owner: Dean and LeaAnne Goods

Agent: Dean and LeaAnne Goods

Location: 58 Albert Street

In Attendance: Dean Goods

Staff summarized a letter received from the Old University Neighbourhood Association.

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

Mr. Goods replied the notice sign was posted and comments were received from staff. He explained he recently purchased the property and is applying for a severance for a residential lot. He noted he has met with Heritage Guelph staff on numerous occasions about conversion of the Oddfellows Hall to a residential unit for his family on the retained parcel. With respect to the concerns from staff about the proposed design of the new dwelling he noted he would prefer to proceed with the proposal and would meet with Heritage Guelph staff about the design of the proposed dwelling. He noted he is unsure at this time if he would be the developer of the severed parcel as he wants to focus on the renovation of the retained parcel.

Committee member D. Kelly questioned if staff are recommending deferral until a design can be submitted.

Planner R. Kostyan replied staff is recommending deferral for the severance because they do not know what type of dwelling is proposed and would like to review the proposal before any recommendations are made.

Mr. Goods noted he would like to proceed with the application as he is unsure at this time if he is going to develop the severed parcel. He had no objection to recommending any future designs be approved by City staff.

Committee member A. Diamond questioned if the addition would be removed from 58 Albert Street.

Mr. Goods replied they are going to retain the addition as part of the original dwelling.

Chair L. McNair noted it was his opinion they were stepping beyond the Committee's limitations when controlling the facade of the dwelling that may be constructed by another party.

Committee member B. Birdsell noted there is enough information before the Committee to make a decision on the application for severance.

Lynne Allingham expressed support to welcome a new family to the neighbourhood and supported the conversion of the Odd Fellows Hall as a residence.

Peter Olinski, a resident on Forbes Avenue expressed his support for the applications.

Lori Belanger, as resident 48 Albert Street had has no concern with the application and supported the size of the proposed parcel.

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. 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 Lot 19, Registered Plan 37, to be known as 60 Albert Street, a parcel with a frontage along Albert Street of 13.7 metres (44.95 feet) and a depth of 40.2 metres (131.89 feet), be approved, subject to the following conditions:

1. That the owner relocates the existing sanitary service lateral to the existing house from the proposed severed lands onto the lands being retained, satisfactory to the Plumbing Inspector, prior to endorstation of the deeds.
2. 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.
3. That the owner pays the actual cost of the construction of the new driveway entrances including the required curb cuts and/or curb fills, 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 a legal off-street parking space be created on the severed lands at a minimum setback of 6-metres from the property line at the street.
5. That the owner pays the actual cost associated with the removal of the existing gravel within the road allowance from the area of the existing driveway entrance, the restoration of the boulevard with topsoil and sod including any required curb fill, 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.
6. 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.
7. That the owner constructs a driveway and legal off-street parking space for the proposed retained lot, satisfactory to the General Manager/City Engineer, prior to endorsement of the deeds.
8. That prior to the issuance of any building permit 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.
9. That the owner shall make satisfactory arrangements with the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the proposed severed lands, prior to the issuance of any 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 any future driveway servicing the severed parcel (60 Albert Street) be located on the eastern portion of the severed parcel, located closest to the retained parcel;
12. That the proposed dwelling on the severed parcel (60 Albert Street) be located maximum 3 metres from the front lot line;
13. That the proposed driveway servicing the retained parcel (58 Albert Street) be located on the western portion of the retained parcel, located closest to the severed parcel;
14. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.

15. That the elevation and design drawings for the new dwelling 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 dwelling in order for staff to ensure that the design of the new dwelling 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.
16. 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 dwelling on the severed parcel indicating:
 - a) The location and design of the new dwelling;
 - 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 dwelling with a setback that is in character with the surrounding area;
 - d) Grading, drainage and servicing information.
17. That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services.
18. 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.
19. Prior to the issuance of a Building Permit, Heritage Planning staff and Heritage Guelph are required to review and approve all elevations, plans and site plan for the proposed new dwelling and any proposed alterations to the existing building on the lot to be retained of the subject property.

20. That an internal garage be avoided and side yard or rear parking be considered so that the proposed new dwelling is more in keeping with the heritage character of the Albert Street streetscape.
21. That prior to issuance of a building permit, the owner make satisfactory arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the servicing of the future lot with a new overhead or underground service. This will be at the owner's expense.
22. That prior to endorsonation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer and Manager of Planning Services, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
23. 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 April 13, 2013.
24. 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.
25. 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.
26. 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-49/12

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 Table 5.1.2-Row 8 of Zoning By-law (1995)-14864, as amended, for 58 Albert Street, to permit the retained parcel from Application B-14/12 to be situate 3.05 metres (10 feet) from the rear lot line when the By-law requires a minimum rear yard equal to 20% of the lot depth (5.34 metres (19.72 feet)), be approved, subject to the following condition:

1. That the conditions imposed for Application B-14/12 be and form part of this approval.”

Carried.

Application Number A-50/12

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 Table 5.1.2-Row 4 of Zoning By-law (1995)-14864, as amended, for 60 Albert Street, to permit the severed parcel from Application B-14/12 to have a lot frontage of 13.7 metres (44.95 feet) when the By-law requires a minimum lot frontage equal to the average of the existing frontages within the same City Block Face [15 metres (49.21 feet)], be approved, subject to the following condition:

1. That the conditions imposed for Application B-14/12 be and form part of this approval.”

Carried.

Application: A-51/12

Owner: 2274237 Ontario Inc.

Agent: GSP Group Inc.

Location: 1291 Gordon Street

In Attendance: Hugh Handy

The Secretary-Treasurer advised the applicant has withdrawn their request to permit a temporary sales centre on the property.

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

Hugh Handy replied the notice sign was posted and comments were received from staff. He explained they received zoning approval in 2010 to construct the residential apartment building and they are currently working through the site plan approval process. He noted it has been determined further variances are required as the building height relates to the storm water management area and off-street parking numbers. He noted they are required to receive Council's approval to remove the holding zone on the property as it is still in the holding zone.

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 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 4.13.4.3., 4.16.2 and 4.21.1 of Zoning By-law (1995)-14864, as amended, for 1291 Gordon Street, to construct a 161 unit apartment building, requiring variances,

- a) to permit 193 off-street parking spaces (not including the 22 tandem spaces in the parking garage) when the By-law requires a total of 207 off-street parking spaces, and,
- b) to permit angular planes of 59° from the western building wall and 73° from the southern building wall to the adjacent park zone;

be approved, subject to the following conditions:

1. That the number of residential units in the proposed development will not exceed 161 residential units.

2. That the owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan to the satisfaction of the General Manager of Planning Services and 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: A-15/12
Owner: Bruce Everitt and Lora Gatto
Applicant: Bruce Everitt and Lora Gatto
Location: 106 Clough Crescent
In Attendance: Bruce Everitt

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

Mr. Everitt replied the notice sign was posted and comments were received from staff. He explained he appeared before the Committee in February to request a wider driveway to support an accessory unit which was refused by the Committee. He advised the application was also deferred to allow City staff the ability to investigate why City approval was given for two water meters. He further explained that when his building permit for the semi-detached unit was issued, it identified a 3 piece rough-in for a bathroom along with plumbing rough-in for a kitchen with the building permit application. He further explained that inspections have occurred on the rough-in plumbing and the inspector gave advice about fire doors, which are only required for accessory units. He noted the property is leased to a single mother with a son on the main floor and a teacher in the basement. He noted neither tenant would be able to afford the entire unit on their own.

Committee member J. Hillen questioned why there was a request for 2 water meters and approval for rough-in plumbing in the basement.

Planner R. Kostyan replied an inspection for rough-in plumbing is not an approval for an accessory unit. She explained an application for building permit is required to permit the unit.

Committee member D. Kelly questioned what approvals the City gave for this property and questioned if a fire door is a requirement for an accessory unit.

Mr. Everitt explained his builder said the building inspector said a fire door was required.

Committee member J. Andrews noted this information could be taken out of context as the Committee is not aware what question was asked before the inspector gave this information.

Chair L. McNair agreed as neither the owner or the Committee knows what the caveat was before the advise was given.

Committee member B. Birdsell explained he has viewed the property and noted the applicant has attempted to follow the procedures. He noted he has been by the property and there has not been a 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 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 106 Clough Crescent, to permit two off-street parking spaces for the host dwelling and the accessory unit when the By-law requires three off-street parking spaces be provided, be approved.”

The motion did not carry.

Committee members noted this street has many of issues respecting parking. It was noted the parking may work for 2 cars now but there is not guarantee this situation will work in the future. It was noted the By-law requires that 3 parking spaces be provided to stake the stress off of on-street parking which is at a premium in this area.

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 Section 4.13.4.3. of Zoning By-law (1995)-14864, as amended, for 106 Clough Crescent, to permit two of-

street parking spaces for the host dwelling and the accessory unit when the By-law requires three off-street parking spaces be provided, be refused.”

Carried.

Application: A-46/12

Owner: Michael Fischer and Teresa Keelan

Agent: Demikon Construction Ltd.

Location: 16 Dean Avenue

In Attendance: Mike Fischer
Mike Demerling
John Gruzleski
John Campbell
Eileen Campbell
Lynne Allingham
Roy Allingham

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

Mr. Fisher replied the notice sign was posted and comments were received from staff. He explained he has resided on this property since 1996 and plans to replace the single detached garage with a new 2 car garage with an additional height to allow for storage.

Committee member R. Funnell questioned if there is any alternatives in the design to bring to decrease the height of the building.

Mr. Fischer replied he has discussed this with his contractor. He noted he could switch an interior stair for a ladder and decrease the height by 1 foot. He further noted the only objector to the application is from an abutting property which is a rental property with an absentee landlord.

Committee member J. Hillen questioned if the pitch of the garage matches the pitch of the main dwelling.

Mr. Fisher replied they propose to match the pitch of the main dwelling. He noted a similar garage was constructed on Lemon Street. He noted they have a pool that was installed and additional room is required for the mechanical room in the garage. He further noted they could add dormers to the garage to match the house design.

Planner R. Kostyan noted the addition of dormers may result in an increased height being calculated.

Mr. Fisher replied the dormers were a concept only.

Committee member J. Hillen questioned if the applicant had considered changing the pitch of the roof to using a hip roof. He noted it is a more difficult truss design however the roof would not be as high.

Committee member D. Kelly noted if there was any change to the design of the building she would like to see the drawings before a decision is made.

Mr. Demerling, the contractor for the project said the section drawing would not change with a change in roof design.

Moved by R. Funnell and seconded by J. Andrews,

“THAT Application A-46/12 for Michael Fischer and Teresa Keelan at 16 Dean Avenue, be amended to request an accessory building height of 5.56 metres (18.2 feet).”

Carried.

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 R. Funnell 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 16 Dean Avenue, to construct a 7.3 metre by 7.3 metre (24 foot by 24 foot) detached garage with a height of 5.56 metres (18.2 feet) when the By-law requires an accessory structure not exceed a height of 3.6 metres (11.83 feet), measured between the eave and the ridge, be approved, subject to the following condition:

1. That the detached garage shall not be used for human habitation without a Zoning By-law amendment.”

Carried.

Application: A-47/12

Owner: Geoff and Genevieve Newton

Agent: Geoff and Genevieve Newton

Location: 65 Mary Street

In Attendance: Geoff Newton
John Gruzleski
John Campbell
Eileen Campbell
Lynne and Roy Allingham
David Burgess
Kathleen Creery
Maren Kasulke
Lisa Mactaggart
Craig Piper
Andre and Marion Auger
Monique ten Kortenaar

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

Mr. Newton replied the notice sign was posted and comments were received from staff. He explained he purchased the property in 2008 and was granted a building permit to build a new home which was completed in the fall of 2009. He noted that the original building contractor was let go and he assumed the role of the general contractor for the project. He explained the foundation for the garage was started in the fall of 2011 and a stop work order was issued for the garage in February 2012 as it was stated the construction did not comply with the original permit application submitted by his contractor. He noted he had revised the drawings for the garage to match the design of the main dwelling, however they were never submitted to the City for review. He noted there are concerns expressed from the neighbourhood community however he wished to address the submissions of his abutting neighbours as those are the comments that are most important to address. He explained he provided his neighbours with a set of drawings prepared by his designer that indicated a bedroom and a washroom on the second storey of the garage which is not being contemplated. He noted the second storey will be used for storage only. He noted he was willing to remove the deck from the second storey and the exterior staircase will be relocated to the interior of the garage. He further recommended windows facing Wolfond Crescent from the second storey be removed and additional mature trees will be planted to provide privacy.

Committee member B. Birdsell suggested it may be appropriate to implement the proposed changes on a drawing for re-circulation to the neighbours and Committee members before consideration of the application.

Chair L. McNair noted this would not change the variances being requested.

Planner R. Kostyan noted they would be able to accommodate a staircase inside garage as they have a building with a depth of 7.3 metres and they require 6 metre depth for a parking space.

Mr. Newton explained the primary purpose of the garage is for storage. He noted they have two vehicles and he has a woodworking hobby and a boat/fishing gear as he is a semi-pro fisherman.

Committee member D. Kelly requested clarification on what occurred to result in this building being allowed to be constructed in the present location with this height.

Planner R. Kostyan explained on November 19, 2008 the foundation permit issued for garage. City staff received information on March 27, 2009 from the contractor verifying the parting of ways. She noted there were no inspections called for after that time and a neighbourhood complaint came in for follow up.

Committee member D. Kelly noted if drawings were submitted for the existing structure staff would have identified the inconsistencies with the Zoning By-law regulations. She questioned if the structure was completed without a building permit.

Planner R. Kostyan replied the drawings submitted in 2008 was for a one storey garage and there were no inspections called for after the foundation inspection.

Committee member J. Hillen questioned if the building footprint included the garage and carport.

Mr. Newton replied the drawings include the carport. He noted the eave on the carport to the north would have to be scaled back as there is a 1 foot setback to the foundation wall.

Ms. Creery, a resident of 69 Mary Street expressed concern about expressing their concerns for a structure that is already up. She explained the building is enormous and almost complete and it will be difficult on the neighbourhood if it has to come down.

John Gruzleski, a representative from the Old University Residents' Association advised they have presented a letter in opposition to the application. He explained a building permit was issued for a garage which complied to the By-law and ignorance of the law no excuse.

David Burghess, a resident of 69 Mary Street expressed his concerns about the construction of the garage with disregard to the by-laws.

Mr. Newton had no further information to add to the application and advised he respected the opinions of his neighbours.

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 seconded by A. Diamond,

“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 4.5.1.2, 4.5.1.4 and 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for 65 Mary Street, to permit a 78 square metre (840 square foot) detached garage in the rear yard,

- a) to be located 0.3 metres (1 foot) from the right rear side lot line when the By-law requires accessory structures be located a minimum of 0.6 metres (1.97 feet) from any lot line;
- b) to permit an area of 78 square metres (840 square feet) when the By-law requires an accessory structures have a maximum area of 70 square metres (753 square feet), and,
- c) to have a height of 6.7 metres (22 feet) when the By-law permits a maximum height of 3.6 metres (11.8 feet) measured at the mid-point between the eave and the ridge,

be refused.

Reasons for refusal being:

1. The variances would have a negative impact on the neighbours.
2. The structure does not meet the intent of the By-law for accessory structures.
3. The variances are not minor in nature.”

Carried.

Application: A-2/12

Owner: S & W Development Inc.

Agent: Jonathan Rodger

Location: 279-299 Eramosa Road

In Attendance: Jonathan Rodger
Lani Baldassini
Diana Franco
Orceo Franco
Councillor Bob Bell
Councillor Jim Furfaro
Jim Weatherby
Patricia Phelan
Rachel Finney
Monique Len Vortenaar
Scott Tracy
Krystyna Czernicki

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

Jonathan Roger replied the notice sign was posted and comments were received from staff.

Chair L. McNair explained to the neighbours in attendance what matters the Committee would be considering respecting the number of off-street parking spaces and the width of the buffer strip along Stevenson Street.

Jonathan Rodger explained he represented Loblaws who wishes to expand the existing Zehrs store within the existing building and propos to provide an additional retail unit for future tenants. He noted the overall expansion will be 66 square metres. He noted Mr. Thompson, a representative from Loblaws met with the surrounding neighbours in order to address some concerns. He noted that in response to the concerns the existing access from Lane Street will be closed, a new landscaped buffer will be implemented and along Lane Street and Erin Avenue with 3 metre landscaped strip and additional measures are being undertaken to screen the off-street loading area. He noted a parking study was completed for the property which identified no concerns with the reduction in the number of off-street parking spaces.

Diana Franco explained she resides behind the Zehrs store. She noted her dad built their home there in 1954 and at that time truck access to the site was from Erin Avenue. She noted shortly thereafter access to the site was from Erin Avenue was closed and the loading area was moved to the side of the building, away from residential neighbours. She explained the neighbours are concerned about the location of the loading docks in the proposal and would like to see the docks remain at the side of the building.

Jim Weatherby a resident of 35 Erin Avenue expressed concern trucks will be utilizing the parking spaces at the rear of the property and with parking being supplied at the rear of the

store truck will not have any room to manoeuvre. He noted currently trailers park in front of his house 2-3 deep and can utilize up to 24 spaces at the rear of the property. He noted transport trucks idle on the property to have their lunch or to sleep.

Diana Franco expressed concern about the manoeuvring of trucks on the property and the idling of trucks at the rear of the building waiting to unload.

Jonathan Roger noted the loading area was moved to the rear of the building under the suggestion of staff as trucks have difficulty manoeuvring at the front of the property. He noted the parking design has been changed to the front of the building to accommodate safety concerns which will result in trucks not being able to enter the site from Eramosa Road. He noted storage will be moved to the rear of the building as part of the renovations which will provide for a larger area and less trucks waiting for unloading.

Committee member D. Kelly questioned if staff has reviewed the parking study and if they agree there will be adequate parking on site to support the proposal.

Planner R. Kostyan replied staff has reviewed the report and agree with the consultant there will be adequate parking on site to support the expansion and the additional retail space.

Committee member J. Hillen questioned if fencing would be considered as part of the 3 metre landscape strip along Erin Avenue.

Planner R. Kostyan replied the buffer strip would consist of landscaping.

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 R. Funnell 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 Sections 4.13.4.1 and Table 6.2.2 – Row 12 of Zoning By-law (1995)-14864, as amended, for 297-299 Eramosa Road, to expand the existing food store to a total area of 7,155 square metres and include additional retail space within the existing building and add 66 square metres of additional building area for a total area of 10,072 square metres, and,

1. to allow off-street parking to be provided at a ratio of 1:23 square metres of gross floor area allowing for a total of 440 off-street parking spaces when the By-law requires off-street parking be provided at a ratio of 1 parking space for every

18 square metres of gross floor area for a total of 560 off-street parking spaces, and,

2. to permit a 2.25 metre landscape strip adjacent to Stevenson Street when the By-law requires a landscaped strip 3 metres in width adjacent to the street line, except for those areas required for entry ramps,

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 site plan, indicating the location of buildings, fencing, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the lands to the satisfaction of the General Manager of Planning and Building Services and 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.
2. That the owner pays to the City the sum of \$11,390.12 which represents the actual cost of the construction of an extra lane of pavement for deceleration, acceleration and turning purposes, across the Eramosa Road frontage of the lands, complete with new curb, gutter, boulevards, sidewalk and any new catchbasins required, prior to the issuance of a building permit.

Reasons for approval being:

1. The requested variances meet the intent of the Zoning By-law and meet the four tests in the Planning Act.”

Carried

The meeting adjourned at 8:00 p.m.

L. McNair
Chair

Minna Bunnett
Assistant Secretary-Treasurer

K. E. Fairfull, ACST
Secretary-Treasurer