

COMMITTEE OF ADJUSTMENT
Minutes

The Committee of Adjustment for the City of Guelph held its Regular meeting on Tuesday July 9, 2013 at 4:00 p.m. in Room 112, City Hall, with the following members present:

R. Funnell, Chair
L. McNair
B. Birdsell (from 4:30 p.m.)
A. Diamond

Regrets: D. Kelly
C. Downer
J. Hillen

Staff Present: S. Kirkwood, Manager of Development Planning
M. Witmer, Planner
K. Fairfull, Secretary-Treasurer

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Minutes from June 25, 2013 Meeting

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

“THAT the Minutes from the June 25, 2013 Regular Meeting of the Committee of Adjustment, be approved, as printed and circulated.”

Carried.

Other Business

The Secretary-Treasurer advised she received an appeal from the owner of 7 Crawford Street against the Committee’s decision of refusal. She advised the file is currently being prepared to be forwarded to the Ontario Municipal Board.

The Secretary-Treasurer advised the decision has been received for a negotiated settlement for Application B-13/13 at 130 Silvercreek Parkway North.

The Secretary-Treasurer advised the decision was received from the Ontario Municipal Board for Application A-6/13 at 103 Lynch Circle. She noted the appeal from the Owner was dismissed and off-street parking variance refused.

Application: B-36/13

Owner: 2116444 Ontario Inc.

Agent: Stephanie Eiley

Location: 11 Woodlawn Road, West

In Attendance: Stephanie Eiley

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

Ms. Eiley replied the notice signs were posted and comments were received for the application. She explained the easement has been in use since construction of Boston Pizza and they are formalizing the access as the Committee included the condition in their approval of the severance for 11 Woodlawn Road, West.

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 L. McNair and seconded by A. Diamond,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for an easement over Part Lot 6, Registered Plan 169, described as Part 6 on a draft Reference Plan prepared by Van Harten Surveying Inc, Project No. 19868-11 dated May 30, 2013, an easement, irregular in shape, with an area of 0.004 hectares, 35 Woodlawn Road, West, in favour of the abutting property municipally known as 11 Woodlawn Road, West, be approved, subject to the following conditions:

1. That prior to endorsement of the deeds, the servient tenement, 11 Woodlawn Road West (Part Lots 4, 5, 6 & 7, Registered Plan 169), grants an easement irregular in shape, being Part 5 on the applicant’s draft sketch registered on title, in favour of the dominant tenement (Boston Pizza), for provision of vehicular and pedestrian ingress and egress.
2. That prior to endorsement of the deeds, the owner of 11 Woodlawn Road West (Part Lots 4, 5, 6 & 7, Registered Plan 169), shall have an Ontario Land Surveyor prepare a reference plan identifying the easement.
3. That the documents in triplicate with original signatures to finalize and register the

transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to July 12, 2014.

4. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
5. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
6. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.

Carried.

Applications: B-39/13 to B-43/13

Owner: Granite Holdings Ontario Ltd.

Agent: Pete Graham

Location: Inkerman Street

In Attendance: Pete Graham

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

Mr. Graham replied the notice signs were posted and comments were received from staff. He noted works have commenced on the property and the services have been removed from the property satisfying Condition 15 from Planning Services. He further questioned if site plan approval would be required, as suggested by Engineering Services.

Planner M. Witmer replied the owner plans to construct residential dwellings so site plan approval will not be required.

Application B-39/13

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 A. Diamond and seconded by L. McNair,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 151, Registered Plans 28 and 115, to be known as 55 Inkerman Street, a parcel with a frontage along Inkerman Street of 11.15 metres (36.58 feet) and a depth of 30.48 metres (100 feet), be approved, subject to the following conditions:

1. That the owner pays the actual cost of constructing new sanitary and water service laterals to the proposed retained lands and the proposed severed lands including the cost of any curb cuts and/or curb 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 any building permits.
2. 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 any building permits.
3. That prior to the issuance of any building permits on the proposed retained lands and 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 retained lands and the for the proposed severed lands.
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 endorsation of the deeds.
5. That the owner constructs the new dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
6. That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.
7. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General

Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.

8. Prior to the issuance of a building permit, the owner agrees to install sump pumps unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
9. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
10. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
11. That the elevation and design for the new dwellings be submitted to, and approved by the General Manger, Planning Services, prior to the issuance of a building permit for the new dwelling.
12. That a site plan be prepared for the severed parcels indicating:
 - a) The location and design of the new dwelling;
 - b) The location and extent of driveway and legal off-street parking space for the new dwelling;
 - c) Grading, drainage and servicing information as required by the City Engineer;and
All of the above to be submitted to, and approved by the General Manager, Planning Services, prior to the issuance of a building permit for the new dwellings.
13. That the Owner shall pay development charges to the City in accordance with By-law Number (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 thereto.
14. Prior to building permit, the Owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.
15. The Owner acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. Based on the review of the 2006 Record of Site Condition (RSC) #3607 there is no defect associated with the RSC, change of land use from industrial to residential, and no Certificate of Property Use was

associated with the property and Phase 1 ESA (2006). If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the Owner's expense.

16. If contamination is found, the Owner shall:

- a) complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be developed meet the Site Condition Standards of the intended land use; and
- b) file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be developed.

17. (a) Prior to any construction or grading on the lands, the Owner shall provide to the City, to the satisfaction of the General Manager/City Engineer, any of the following studies, plans and reports that may be requested by the General Manager/City Engineer:-

- i) a site servicing and stormwater management report certified by a Professional Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual" which addresses the quantity and quality of stormwater discharge from the site;
- ii) a noise and vibration study certified by a Professional Engineer to confirm that there is no adverse affect from the railway use;
- iii) a detailed erosion and sediment control plan, certified by a Professional Engineer that indicates the means whereby erosion will be minimized and sediment maintained on-site throughout all phases of grading and construction;

(b) The Owner shall, to the satisfaction of the General Manager/City Engineer, address and be responsible for adhering to all the recommended measures contained in the plans, studies and reports outlined in subsections (a) i) to (a) iii) inclusive, of this clause.

18. If repair, renovation or demolition activities are planned in the future for the portion of the building that encroaches the Site, appropriate management plans may be required for any potential ACMs, lead-based paints and PCBs (in light ballasts), prior to any construction or grading on the lands.

19. Prior to any construction or grading on the lands, the Owner shall have a Professional Engineer design a grading and drainage plan for the site, satisfactory to the General Manager/City Engineer.

20. Prior to any construction or grading on the lands, the Owner shall pay the flat rate

- charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
21. 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 any construction or grading on the lands.
 22. The Owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cuts and/or curb fills and furthermore, prior to any construction or grading on the lands, the owner shall pay to the City the estimated cost of the new driveway entrances and the required curb cuts and/or curb fills, as determined by the General Manager/City Engineer.
 23. That the Owner constructs the new buildings at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
 24. The Owner pays all the costs associated with the removal of the existing service laterals across the proposed retained lands and the city road allowance, prior to any construction and grading on the lands.
 25. The Owner pays all the costs associated with the removal of a portion of the existing building, concrete pads, asphalt pavement and the chain link fence from the proposed retained lands, prior to any construction and grading on the lands.
 26. The Owner pays the actual cost of constructing and installing sanitary and water service laterals required including any curb cuts and/or curb fills and furthermore, prior to any construction or grading on the lands, the owner shall pay to the City the estimate cost of the service laterals, as determined by the General Manager/City Engineer.
 27. The Owner shall place the following notification in the offer of purchase and sale for the dwelling units and to be registered on title:
 - a) that sump pumps will be required for the lots unless a gravity outlet for the foundation drain can be provided on the lots in accordance with a design by a Professional Engineer. Furthermore, sumps pumps must be discharged to the rear yard.
 28. Prior to any construction or grading on the lands, any monitoring wells and boreholes drilled for hydro geological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines.

29. That the Owner shall include in all agreements of purchase and sale or lease for each dwelling unit the following warning clauses:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres of the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successor as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. CNR will not be responsible for any complaints or claims arising from use of such facilities and/operations on, over or under the aforesaid right-of-way.

Purchasers are advised that due to the proximity of the future and existing industrial facilities, sound levels from the facilities may at times be audible.”

30. That a forced air ventilation system be installed in the new dwelling on the lands to be retained and that the ducts be sized to accommodate the future installation of an air conditioning unit by the occupant.

31. The Owner shall include in all agreements of purchase and sale or lease for a dwelling unit on the lands to be retained the following warning clauses:

“Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing rail may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the noise criteria of the City and the Ministry of the Environment.

Purchasers/tenants are advised that this dwelling unit has been fitted with a forced air heating system and the ducting etc., was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City’s and the Ministry of the Environment’s noise criteria. Purchasers/tenants are advised that the outdoor air cooled condenser unit itself can produce noise to interfere with outdoor recreational activities. Due consideration should be given to this noise factor when selecting the air cooled condenser units location or an alternative quieter type of unit could be selected. The condenser unit sound rating should not exceed 7.6 bels in accordance with ANSI Standard 270-84 for units 3.5 ton or less. The location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and have due regard for compliance with criteria of MOE publication NPC-216, Residential Air Conditioning Devices.”

32. That brick exterior wall construction be used on the east, west and north facades of all dwellings.
33. The Owner acknowledges and agrees to that all approved noise control measures shall be included in the development agreement and implemented as a condition of the approval of any severance.
34. The Owner may be required to grant CN an easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
35. The Owner enter into an Agreement with CN, stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
36. The Owner erect a fence, a minimum of 1.8 metres in height, along the new rear property lines, prior to occupancy of the new dwellings.
37. That prior to building permit, the Owner complete a Tree Inventory, Protection and Compensation Plan illustrating all existing trees greater than 10 cm dbh within 5 metres of the property (species, size, dbh, and condition) as well as protection during construction for trees that will remain, to the satisfaction of the General Manager of Planning Services.
38. The Owner shall pay to the City, the total cost of reproduction and distribution of the Guelph Residents Environmental Handbook, with such payment based on a cost of one handbook for each of the new dwelling units as determined by the City, prior to the issuance of any building permits.
39. That all electrical services to the lands are underground and the Developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
40. That the Owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the said lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
41. 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 new dwelling, prior to the issuance of a building permit.

42. 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, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
43. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to July 12, 2014.
44. 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.
45. 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.
46. 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.

Reasons for approval being: -

1. The severance will result in proper use of the land and proper infill development.

Application B-40/13

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 A. Diamond and seconded by L. McNair,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 150, Registered Plans 28 and 115, to be known as 57 Inkerman Street, a parcel with a frontage along Inkerman Street of 11.15 metres (36.58 feet) and a depth of 30.48 metres (100 feet), be approved, subject to the following conditions:

1. That the owner pays the actual cost of constructing new sanitary and water service laterals to the proposed retained lands and the proposed severed lands including the cost of any curb cuts and/or curb 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 any building permits.
2. 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 any building permits.
3. That prior to the issuance of any building permits on the proposed retained lands and 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 retained lands and the for the proposed severed lands.
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 endorsation of the deeds.
5. That the owner constructs the new dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
6. That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.
7. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
8. Prior to the issuance of a building permit, the owner agrees to install sump pumps unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
9. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.

10. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
11. That the elevation and design for the new dwellings be submitted to, and approved by the General Manger, Planning Services, prior to the issuance of a building permit for the new dwelling.
12. That a site plan be prepared for the severed parcels indicating:
 - a) The location and design of the new dwelling;
 - b) The location and extent of driveway and legal off-street parking space for the new dwelling;
 - c) Grading, drainage and servicing information as required by the City Engineer; andAll of the above to be submitted to, and approved by the General Manager, Planning Services, prior to the issuance of a building permit for the new dwellings.
13. That the Owner shall pay development charges to the City in accordance with By-law Number (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 thereto.
14. Prior to building permit, the Owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.
15. The Owner acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. Based on the review of the 2006 Record of Site Condition (RSC) #3607 there is no defect associated with the RSC, change of land use from industrial to residential, and no Certificate of Property Use was associated with the property and Phase 1 ESA (2006). If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the Owner's expense.
16. If contamination is found, the Owner shall:
 - a) complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be developed meet the Site Condition Standards of the intended land use; and
 - b) file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be developed.

17. (a) Prior to any construction or grading on the lands, the Owner shall provide to the City, to the satisfaction of the General Manager/City Engineer, any of the following studies, plans and reports that may be requested by the General Manager/City Engineer:-

- i) a site servicing and stormwater management report certified by a Professional Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual" which addresses the quantity and quality of stormwater discharge from the site;
- ii) a noise and vibration study certified by a Professional Engineer to confirm that there is no adverse affect from the railway use;
- iii) a detailed erosion and sediment control plan, certified by a Professional Engineer that indicates the means whereby erosion will be minimized and sediment maintained on-site throughout all phases of grading and construction;

(b) The Owner shall, to the satisfaction of the General Manager/City Engineer, address and be responsible for adhering to all the recommended measures contained in the plans, studies and reports outlined in subsections (a) i) to (a) iii) inclusive, of this clause.

18. If repair, renovation or demolition activities are planned in the future for the portion of the building that encroaches the Site, appropriate management plans may be required for any potential ACMs, lead-based paints and PCBs (in light ballasts), prior to any construction or grading on the lands.

19. Prior to any construction or grading on the lands, the Owner shall have a Professional Engineer design a grading and drainage plan for the site, satisfactory to the General Manager/City Engineer.

20. Prior to any construction or grading on the lands, the Owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.

21. 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 any construction or grading on the lands.

22. The Owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cuts and/or curb fills and furthermore, prior to any construction or grading on the lands, the owner shall pay to the City the

- estimated cost of the new driveway entrances and the required curb cuts and/or curb fills, as determined by the General Manager/City Engineer.
23. That the Owner constructs the new buildings at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
 24. The Owner pays all the costs associated with the removal of the existing service laterals across the proposed retained lands and the city road allowance, prior to any construction and grading on the lands.
 25. The Owner pays all the costs associated with the removal of a portion of the existing building, concrete pads, asphalt pavement and the chain link fence from the proposed retained lands, prior to any construction and grading on the lands.
 26. The Owner pays the actual cost of constructing and installing sanitary and water service laterals required including any curb cuts and/or curb fills and furthermore, prior to any construction or grading on the lands, the owner shall pay to the City the estimate cost of the service laterals, as determined by the General Manager/City Engineer.
 27. The Owner shall place the following notification in the offer of purchase and sale for the dwelling units and to be registered on title:
 - a) that sump pumps will be required for the lots unless a gravity outlet for the foundation drain can be provided on the lots in accordance with a design by a Professional Engineer. Furthermore, sumps pumps must be discharged to the rear yard.
 28. Prior to any construction or grading on the lands, any monitoring wells and boreholes drilled for hydro geological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines.
 29. That the Owner shall include in all agreements of purchase and sale or lease for each dwelling unit the following warning clauses:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres of the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successor as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and

individual dwellings. CNR will not be responsible for any complaints or claims arising from use of such facilities and/operations on, over or under the aforesaid right-of-way.

Purchasers are advised that due to the proximity of the future and existing industrial facilities, sound levels from the facilities may at times be audible.”

30. That a forced air ventilation system be installed in the new dwelling on the lands to be retained and that the ducts be sized to accommodate the future installation of an air conditioning unit by the occupant.

31. The Owner shall include in all agreements of purchase and sale or lease for a dwelling unit on the lands to be retained the following warning clauses:

“Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing rail may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the noise criteria of the City and the Ministry of the Environment.

Purchasers/tenants are advised that this dwelling unit has been fitted with a forced air heating system and the ducting etc., was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City’s and the Ministry of the Environment’s noise criteria. Purchasers/tenants are advised that the outdoor air cooled condenser unit itself can produce noise to interfere with outdoor recreational activities. Due consideration should be given to this noise factor when selecting the air cooled condenser units location or an alternative quieter type of unit could be selected. The condenser unit sound rating should not exceed 7.6 bels in accordance with ANSI Standard 270-84 for units 3.5 ton or less. The location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and have due regard for compliance with criteria of MOE publication NPC-216, Residential Air Conditioning Devices.”

32. That brick exterior wall construction be used on the east, west and north facades of all dwellings.
33. The Owner acknowledges and agrees to that all approved noise control measures shall be included in the development agreement and implemented as a condition of the approval of any severance.
34. The Owner may be required to grant CN an easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

35. The Owner enter into an Agreement with CN, stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
36. The Owner erect a fence, a minimum of 1.8 metres in height, along the new rear property lines, prior to occupancy of the new dwellings.
37. That prior to building permit, the Owner complete a Tree Inventory, Protection and Compensation Plan illustrating all existing trees greater than 10 cm dbh within 5 metres of the property (species, size, dbh, and condition) as well as protection during construction for trees that will remain, to the satisfaction of the General Manager of Planning Services.
38. The Owner shall pay to the City, the total cost of reproduction and distribution of the Guelph Residents Environmental Handbook, with such payment based on a cost of one handbook for each of the new dwelling units as determined by the City, prior to the issuance of any building permits.
39. That all electrical services to the lands are underground and the Developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
40. That the Owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the said lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
41. 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 new dwelling, prior to the issuance of a building permit.
42. That prior to endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
43. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to July 12, 2014.

44. 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.
45. 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.
46. 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.

Reasons for approval being: -

1. The severance will result in proper use of the land and proper infill development.

Application B-41/13

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 A. Diamond and seconded by L. McNair,

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 150, Registered Plans 28 and 115, to be known as 61 Inkerman Street, a parcel with a frontage along Inkerman Street of 11.16 metres (36.61 feet) and a depth of 30.48 metres (100 feet), be approved, subject to the following conditions:

1. That the owner pays the actual cost of constructing new sanitary and water service laterals to the proposed retained lands and the proposed severed lands including the cost of any curb cuts and/or curb 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 any building permits.

2. 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 any building permits.
3. That prior to the issuance of any building permits on the proposed retained lands and 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 retained lands and the for the proposed severed lands.
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 dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
6. That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.
7. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
8. Prior to the issuance of a building permit, the owner agrees to install sump pumps unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
9. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
10. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
11. That the elevation and design for the new dwellings be submitted to, and approved by the General Manger, Planning Services, prior to the issuance of a building permit for the new dwelling.
12. That a site plan be prepared for the severed parcels indicating:

- a) The location and design of the new dwelling;
 - b) The location and extent of driveway and legal off-street parking space for the new dwelling;
 - c) Grading, drainage and servicing information as required by the City Engineer;
- and

All of the above to be submitted to, and approved by the General Manager, Planning Services, prior to the issuance of a building permit for the new dwellings.

13. That the Owner shall pay development charges to the City in accordance with By-law Number (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 thereto.
14. Prior to building permit, the Owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.
15. The Owner acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. Based on the review of the 2006 Record of Site Condition (RSC) #3607 there is no defect associated with the RSC, change of land use from industrial to residential, and no Certificate of Property Use was associated with the property and Phase 1 ESA (2006). If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the Owner's expense.
16. If contamination is found, the Owner shall:
 - a) complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be developed meet the Site Condition Standards of the intended land use; and
 - b) file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be developed.
17. (a) Prior to any construction or grading on the lands, the Owner shall provide to the City, to the satisfaction of the General Manager/City Engineer, any of the following studies, plans and reports that may be requested by the General Manager/City Engineer:-
 - i) a site servicing and stormwater management report certified by a Professional Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and

Design Manual" which addresses the quantity and quality of stormwater discharge from the site;

- ii) a noise and vibration study certified by a Professional Engineer to confirm that there is no adverse affect from the railway use;
- iii) a detailed erosion and sediment control plan, certified by a Professional Engineer that indicates the means whereby erosion will be minimized and sediment maintained on-site throughout all phases of grading and construction;

(b)The Owner shall, to the satisfaction of the General Manager/City Engineer, address and be responsible for adhering to all the recommended measures contained in the plans, studies and reports outlined in subsections (a) i) to (a) iii) inclusive, of this clause.

- 18. If repair, renovation or demolition activities are planned in the future for the portion of the building that encroaches the Site, appropriate management plans may be required for any potential ACMs, lead-based paints and PCBs (in light ballasts), prior to any construction or grading on the lands.
- 19. Prior to any construction or grading on the lands, the Owner shall have a Professional Engineer design a grading and drainage plan for the site, satisfactory to the General Manager/City Engineer.
- 20. Prior to any construction or grading on the lands, the Owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
- 21. 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 any construction or grading on the lands.
- 22. The Owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cuts and/or curb fills and furthermore, prior to any construction or grading on the lands, the owner shall pay to the City the estimated cost of the new driveway entrances and the required curb cuts and/or curb fills, as determined by the General Manager/City Engineer.
- 23. That the Owner constructs the new buildings at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
- 24. The Owner pays all the costs associated with the removal of the existing service laterals across the proposed retained lands and the city road allowance, prior to any construction and grading on the lands.

25. The Owner pays all the costs associated with the removal of a portion of the existing building, concrete pads, asphalt pavement and the chain link fence from the proposed retained lands, prior to any construction and grading on the lands.
26. The Owner pays the actual cost of constructing and installing sanitary and water service laterals required including any curb cuts and/or curb fills and furthermore, prior to any construction or grading on the lands, the owner shall pay to the City the estimate cost of the service laterals, as determined by the General Manager/City Engineer.
27. The Owner shall place the following notification in the offer of purchase and sale for the dwelling units and to be registered on title:
 - a) that sump pumps will be required for the lots unless a gravity outlet for the foundation drain can be provided on the lots in accordance with a design by a Professional Engineer. Furthermore, sumps pumps must be discharged to the rear yard.
28. Prior to any construction or grading on the lands, any monitoring wells and boreholes drilled for hydro geological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines.
29. That the Owner shall include in all agreements of purchase and sale or lease for each dwelling unit the following warning clauses:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres of the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successor as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. CNR will not be responsible for any complaints or claims arising from use of such facilities and/operations on, over or under the aforesaid right-of-way.

Purchasers are advised that due to the proximity of the future and existing industrial facilities, sound levels from the facilities may at times be audible.”
30. That a forced air ventilation system be installed in the new dwelling on the lands to be retained and that the ducts be sized to accommodate the future installation of an air conditioning unit by the occupant.

31. The Owner shall include in all agreements of purchase and sale or lease for a dwelling unit on the lands to be retained the following warning clauses:

“Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing rail may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the noise criteria of the City and the Ministry of the Environment.

Purchasers/tenants are advised that this dwelling unit has been fitted with a forced air heating system and the ducting etc., was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City’s and the Ministry of the Environment’s noise criteria. Purchasers/tenants are advised that the outdoor air cooled condenser unit itself can produce noise to interfere with outdoor recreational activities. Due consideration should be given to this noise factor when selecting the air cooled condenser units location or an alternative quieter type of unit could be selected. The condenser unit sound rating should not exceed 7.6 bels in accordance with ANSI Standard 270-84 for units 3.5 ton or less. The location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and have due regard for compliance with criteria of MOE publication NPC-216, Residential Air Conditioning Devices.”

32. That brick exterior wall construction be used on the east, west and north facades of all dwellings.
33. The Owner acknowledges and agrees to that all approved noise control measures shall be included in the development agreement and implemented as a condition of the approval of any severance.
34. The Owner may be required to grant CN an easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
35. The Owner enter into an Agreement with CN, stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
36. The Owner erect a fence, a minimum of 1.8 metres in height, along the new rear property lines, prior to occupancy of the new dwellings.
37. That prior to building permit, the Owner complete a Tree Inventory, Protection and Compensation Plan illustrating all existing trees greater than 10 cm dbh within 5 metres of the property (species, size, dbh, and condition) as well as protection

- during construction for trees that will remain, to the satisfaction of the General Manager of Planning Services.
38. The Owner shall pay to the City, the total cost of reproduction and distribution of the Guelph Residents Environmental Handbook, with such payment based on a cost of one handbook for each of the new dwelling units as determined by the City, prior to the issuance of any building permits.
 39. That all electrical services to the lands are underground and the Developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
 40. That the Owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the said lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
 41. 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 new dwelling, prior to the issuance of a building permit.
 42. 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, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
 43. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to July 12, 2014.
 44. 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.
 45. 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.

46. 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.

Reasons for approval being: -

1. The severance will result in proper use of the land and proper infill development.

Application B-42/13

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 A. Diamond and seconded by L. McNair,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Lot B, Registered Plan 224, to be known as 63 Inkerman Street, a parcel with a frontage along Inkerman Street of 11.15 metres (36.58 feet) and a depth of 30.52 metres (100.13 feet), be approved, subject to the following conditions:

1. That the owner pays the actual cost of constructing new sanitary and water service laterals to the proposed retained lands and the proposed severed lands including the cost of any curb cuts and/or curb 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 any building permits.
2. 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 any building permits.
3. That prior to the issuance of any building permits on the proposed retained lands and 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 retained lands and the for the proposed severed lands.

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 dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
6. That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.
7. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
8. Prior to the issuance of a building permit, the owner agrees to install sump pumps unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
9. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
10. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
11. That the elevation and design for the new dwellings be submitted to, and approved by the General Manager, Planning Services, prior to the issuance of a building permit for the new dwelling.
12. That a site plan be prepared for the severed parcels indicating:
 - a) The location and design of the new dwelling;
 - b) The location and extent of driveway and legal off-street parking space for the new dwelling;
 - c) Grading, drainage and servicing information as required by the City Engineer; andAll of the above to be submitted to, and approved by the General Manager, Planning Services, prior to the issuance of a building permit for the new dwellings.

13. That the Owner shall pay development charges to the City in accordance with By-law Number (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 thereto.
14. Prior to building permit, the Owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.
15. The Owner acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. Based on the review of the 2006 Record of Site Condition (RSC) #3607 there is no defect associated with the RSC, change of land use from industrial to residential, and no Certificate of Property Use was associated with the property and Phase 1 ESA (2006). If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the Owner's expense.
16. If contamination is found, the Owner shall:
 - a) complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be developed meet the Site Condition Standards of the intended land use; and
 - b) file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be developed.
17. (a) Prior to any construction or grading on the lands, the Owner shall provide to the City, to the satisfaction of the General Manager/City Engineer, any of the following studies, plans and reports that may be requested by the General Manager/City Engineer:-
 - i) a site servicing and stormwater management report certified by a Professional Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual" which addresses the quantity and quality of stormwater discharge from the site;
 - ii) a noise and vibration study certified by a Professional Engineer to confirm that there is no adverse affect from the railway use;
 - iii) a detailed erosion and sediment control plan, certified by a Professional Engineer that indicates the means whereby erosion will be minimized and sediment maintained on-site throughout all phases of grading and construction;

- (b)The Owner shall, to the satisfaction of the General Manager/City Engineer, address and be responsible for adhering to all the recommended measures contained in the plans, studies and reports outlined in subsections (a) i) to (a) iii) inclusive, of this clause.
18. If repair, renovation or demolition activities are planned in the future for the portion of the building that encroaches the Site, appropriate management plans may be required for any potential ACMs, lead-based paints and PCBs (in light ballasts), prior to any construction or grading on the lands.
 19. Prior to any construction or grading on the lands, the Owner shall have a Professional Engineer design a grading and drainage plan for the site, satisfactory to the General Manager/City Engineer.
 20. Prior to any construction or grading on the lands, the Owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
 21. 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 any construction or grading on the lands.
 22. The Owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cuts and/or curb fills and furthermore, prior to any construction or grading on the lands, the owner shall pay to the City the estimated cost of the new driveway entrances and the required curb cuts and/or curb fills, as determined by the General Manager/City Engineer.
 23. That the Owner constructs the new buildings at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
 24. The Owner pays all the costs associated with the removal of the existing service laterals across the proposed retained lands and the city road allowance, prior to any construction and grading on the lands.
 25. The Owner pays all the costs associated with the removal of a portion of the existing building, concrete pads, asphalt pavement and the chain link fence from the proposed retained lands, prior to any construction and grading on the lands.
 26. The Owner pays the actual cost of constructing and installing sanitary and water service laterals required including any curb cuts and/or curb fills and furthermore, prior to any construction or grading on the lands, the owner shall pay to the City the

estimate cost of the service laterals, as determined by the General Manager/City Engineer.

27. The Owner shall place the following notification in the offer of purchase and sale for the dwelling units and to be registered on title:

a) that sump pumps will be required for the lots unless a gravity outlet for the foundation drain can be provided on the lots in accordance with a design by a Professional Engineer. Furthermore, sumps pumps must be discharged to the rear yard.

28. Prior to any construction or grading on the lands, any monitoring wells and boreholes drilled for hydro geological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines.

29. That the Owner shall include in all agreements of purchase and sale or lease for each dwelling unit the following warning clauses:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres of the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successor as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. CNR will not be responsible for any complaints or claims arising from use of such facilities and/operations on, over or under the aforesaid right-of-way.

Purchasers are advised that due to the proximity of the future and existing industrial facilities, sound levels from the facilities may at times be audible.”

30. That a forced air ventilation system be installed in the new dwelling on the lands to be retained and that the ducts be sized to accommodate the future installation of an air conditioning unit by the occupant.

31. The Owner shall include in all agreements of purchase and sale or lease for a dwelling unit on the lands to be retained the following warning clauses:

32. “Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing rail may occasionally interfere with some activities of the dwelling occupants as the

sound levels exceed the noise criteria of the City and the Ministry of the Environment.

Purchasers/tenants are advised that this dwelling unit has been fitted with a forced air heating system and the ducting etc., was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City's and the Ministry of the Environment's noise criteria. Purchasers/tenants are advised that the outdoor air cooled condenser unit itself can produce noise to interfere with outdoor recreational activities. Due consideration should be given to this noise factor when selecting the air cooled condenser units location or an alternative quieter type of unit could be selected. The condenser unit sound rating should not exceed 7.6 bels in accordance with ANSI Standard 270-84 for units 3.5 ton or less. The location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and have due regard for compliance with criteria of MOE publication NPC-216, Residential Air Conditioning Devices."

33. That brick exterior wall construction be used on the east, west and north facades of all dwellings.
34. The Owner acknowledges and agrees to that all approved noise control measures shall be included in the development agreement and implemented as a condition of the approval of any severance.
35. The Owner may be required to grant CN an easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
36. The Owner enter into an Agreement with CN, stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
37. The Owner erect a fence, a minimum of 1.8 metres in height, along the new rear property lines, prior to occupancy of the new dwellings.
38. That prior to building permit, the Owner complete a Tree Inventory, Protection and Compensation Plan illustrating all existing trees greater than 10 cm dbh within 5 metres of the property (species, size, dbh, and condition) as well as protection during construction for trees that will remain, to the satisfaction of the General Manager of Planning Services.
39. The Owner shall pay to the City, the total cost of reproduction and distribution of the Guelph Residents Environmental Handbook, with such payment based on a cost

- of one handbook for each of the new dwelling units as determined by the City, prior to the issuance of any building permits.
40. That all electrical services to the lands are underground and the Developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
 41. That the Owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the said lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
 42. 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 new dwelling, prior to the issuance of a building permit.
 43. 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, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
 44. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to July 12, 2014.
 45. 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.
 46. 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.
 47. 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.

Reasons for approval being: -

1. The severance will result in proper use of the land and proper infill development.

Application B-43/13

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 A. Diamond and seconded by L. McNair,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Lot A, Registered Plan 224, to be known as 65 Inkerman Street, a parcel with a frontage along Inkerman Street of 11.22 metres (36.81 feet) and a depth of 30.52 metres (100.13 feet), be approved, subject to the following conditions:

1. That the owner pays the actual cost of constructing new sanitary and water service laterals to the proposed retained lands and the proposed severed lands including the cost of any curb cuts and/or curb 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 any building permits.
2. 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 any building permits.
3. That prior to the issuance of any building permits on the proposed retained lands and 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 retained lands and the for the proposed severed lands.
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 dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.

6. That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.
7. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
8. Prior to the issuance of a building permit, the owner agrees to install sump pumps unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
9. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
10. The Owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
11. That the elevation and design for the new dwellings be submitted to, and approved by the General Manger, Planning Services, prior to the issuance of a building permit for the new dwelling.
12. That a site plan be prepared for the severed parcels indicating:
 - a) The location and design of the new dwelling;
 - b) The location and extent of driveway and legal off-street parking space for the new dwelling;
 - c) Grading, drainage and servicing information as required by the City Engineer; andAll of the above to be submitted to, and approved by the General Manager, Planning Services, prior to the issuance of a building permit for the new dwellings.
13. That the Owner shall pay development charges to the City in accordance with By-law Number (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 thereto.

14. Prior to building permit, the Owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.
15. The Owner acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. Based on the review of the 2006 Record of Site Condition (RSC) #3607 there is no defect associated with the RSC, change of land use from industrial to residential, and no Certificate of Property Use was associated with the property and Phase 1 ESA (2006). If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the Owner's expense.
16. If contamination is found, the Owner shall:
 - a) complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be developed meet the Site Condition Standards of the intended land use; and
 - b) file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be developed.
17. (a) Prior to any construction or grading on the lands, the Owner shall provide to the City, to the satisfaction of the General Manager/City Engineer, any of the following studies, plans and reports that may be requested by the General Manager/City Engineer:-
 - i) a site servicing and stormwater management report certified by a Professional Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual" which addresses the quantity and quality of stormwater discharge from the site;
 - ii) a noise and vibration study certified by a Professional Engineer to confirm that there is no adverse affect from the railway use;
 - iii) a detailed erosion and sediment control plan, certified by a Professional Engineer that indicates the means whereby erosion will be minimized and sediment maintained on-site throughout all phases of grading and construction;

(b) The Owner shall, to the satisfaction of the General Manager/City Engineer, address and be responsible for adhering to all the recommended measures contained in the plans, studies and reports outlined in subsections (a) i) to (a) iii) inclusive, of this clause.
18. If repair, renovation or demolition activities are planned in the future for the portion of the building that encroaches the Site, appropriate management plans may be

- required for any potential ACMs, lead-based paints and PCBs (in light ballasts), prior to any construction or grading on the lands.
19. Prior to any construction or grading on the lands, the Owner shall have a Professional Engineer design a grading and drainage plan for the site, satisfactory to the General Manager/City Engineer.
 20. Prior to any construction or grading on the lands, the Owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
 21. 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 any construction or grading on the lands.
 22. The Owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cuts and/or curb fills and furthermore, prior to any construction or grading on the lands, the owner shall pay to the City the estimated cost of the new driveway entrances and the required curb cuts and/or curb fills, as determined by the General Manager/City Engineer.
 23. That the Owner constructs the new buildings at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
 24. The Owner pays all the costs associated with the removal of the existing service laterals across the proposed retained lands and the city road allowance, prior to any construction and grading on the lands.
 25. The Owner pays all the costs associated with the removal of a portion of the existing building, concrete pads, asphalt pavement and the chain link fence from the proposed retained lands, prior to any construction and grading on the lands.
 26. The Owner pays the actual cost of constructing and installing sanitary and water service laterals required including any curb cuts and/or curb fills and furthermore, prior to any construction or grading on the lands, the owner shall pay to the City the estimate cost of the service laterals, as determined by the General Manager/City Engineer.
 27. The Owner shall place the following notification in the offer of purchase and sale for the dwelling units and to be registered on title:
 - a) that sump pumps will be required for the lots unless a gravity outlet for the foundation drain can be provided on the lots in accordance with a design by a

Professional Engineer. Furthermore, sumps pumps must be discharged to the rear yard.

28. Prior to any construction or grading on the lands, any monitoring wells and boreholes drilled for hydro geological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines.
29. That the Owner shall include in all agreements of purchase and sale or lease for each dwelling unit the following warning clauses:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres of the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successor as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. CNR will not be responsible for any complaints or claims arising from use of such facilities and/operations on, over or under the aforesaid right-of-way.

Purchasers are advised that due to the proximity of the future and existing industrial facilities, sound levels from the facilities may at times be audible.”

30. That a forced air ventilation system be installed in the new dwelling on the lands to be retained and that the ducts be sized to accommodate the future installation of an air conditioning unit by the occupant.
31. The Owner shall include in all agreements of purchase and sale or lease for a dwelling unit on the lands to be retained the following warning clauses:

“Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing rail may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the noise criteria of the City and the Ministry of the Environment.

Purchasers/tenants are advised that this dwelling unit has been fitted with a forced air heating system and the ducting etc., was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City’s and the Ministry of the Environment’s noise criteria. Purchasers/tenants are advised that the outdoor air cooled condenser unit itself can produce noise to

- interfere with outdoor recreational activities. Due consideration should be given to this noise factor when selecting the air cooled condenser units location or an alternative quieter type of unit could be selected. The condenser unit sound rating should not exceed 7.6 bels in accordance with ANSI Standard 270-84 for units 3.5 ton or less. The location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and have due regard for compliance with criteria of MOE publication NPC-216, Residential Air Conditioning Devices.”
32. That brick exterior wall construction be used on the east, west and north facades of all dwellings.
 33. The Owner acknowledges and agrees to that all approved noise control measures shall be included in the development agreement and implemented as a condition of the approval of any severance.
 34. The Owner may be required to grant CN an easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
 35. The Owner enter into an Agreement with CN, stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
 36. The Owner erect a fence, a minimum of 1.8 metres in height, along the new rear property lines, prior to occupancy of the new dwellings.
 37. That prior to building permit, the Owner complete a Tree Inventory, Protection and Compensation Plan illustrating all existing trees greater than 10 cm dbh within 5 metres of the property (species, size, dbh, and condition) as well as protection during construction for trees that will remain, to the satisfaction of the General Manager of Planning Services.
 38. The Owner shall pay to the City, the total cost of reproduction and distribution of the Guelph Residents Environmental Handbook, with such payment based on a cost of one handbook for each of the new dwelling units as determined by the City, prior to the issuance of any building permits.
 39. That all electrical services to the lands are underground and the Developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
 40. That the Owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the said lands,

as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.

41. 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 new dwelling, prior to the issuance of a building permit.
42. That prior to endorstation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
43. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to July 12, 2014.
44. 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.
45. 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.
46. 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.

Reasons for approval being: -

1. The severance will result in proper use of the land and proper infill development.

Application: B-37/13 and B-38/13

Owner: Teresa Marthaler

Agent: Ron Kanter, MacDonald Sager Manis

Location: 1858 Gordon Street

In Attendance: Ron Kanter
Krista
Kritz and Andre Marthaler

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

Mr. Kanter replied the notice sign was posted and comments were received from staff. He explained the Committee approved an application for severance as a lot addition under Application B-38/12. He noted the owner had concerns with the wording of some of the conditions which resulted in discussions with staff for clarification. He advised they appealed the conditions on the approval until the conditions could be clarified and the appeal has subsequently been withdrawn with the recommendations from staff before the Committee.

Planner M. Witmer advised Planning is supporting the recommended changes and are agreeable to them.

Committee member B. Birdsell arrived at the meeting. He had no declarations of pecuniary interest.

Application B-37/13

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 L. McNair and seconded by A. Diamond,

“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 conditions are granted for 1858 to 1888 Gordon Street, resulting in the decision of the Committee of Adjustment B-54/12 being as follows:

“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 11, Concession 8, 1858

Gordon Street, a parcel with a total area of 2.059 hectares (5.09 acres) as a lot addition to 1888 Gordon Street, subject to an easement over 1858 Gordon Street, with a width of 12.8 metres (42 feet) and a depth of 125.21 metres (410.75 feet) for future servicing for the consolidated 1888 Gordon Street, be approved, subject to the following conditions:

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

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

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

3. That prior to the endorsonation of the deeds, the applicant shall have an Ontario Land Surveyor show the location of the existing well, septic tank and tile beds, relevant to the existing and proposed property lines.

4. That prior to the endorsonation of the deeds, the applicant shall satisfy the City's Chief Plumbing/Sewage System Inspector, that the well, septic tank and tile beds are located in accordance with all appropriate regulations.

5. That prior to any development of the severed parcel, the owner of the severed parcel shall pay the proportionate share of the actual costs of the existing roadworks, existing watermain, sanitary sewer and storm sewers, catchbasins, service laterals, hydrants, sidewalks, curb and gutter and any street lighting upgrades on Gordon Street across the frontage of the said lands as determined by the General Manager/City Engineer.

6. That prior to any development of the severed parcel, the owner of the severed parcel will be required to connect the existing dwellings to the city's sanitary sewer and water main to the satisfaction of the City's Plumbing/Sewage System Inspector.

7. That prior to the connection of the existing dwelling at 1888 Gordon Street to the city's sanitary sewer and water main, the owner of the severed parcel shall decommission the existing septic tanks and tile bed systems and existing private wells to the satisfaction of the City's Plumbing/Sewage System Inspector.

8. That all structures on the property line be completely removed prior to the endorsonation of the deeds.

9. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to July 12, 2014.
10. 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.
11. 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.
12. 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-38/13

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 L. McNair and seconded by A. Diamond,

“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 11, Concession 8, more particularly described as Parts 3 and 6 on a draft Reference Plan prepared by Callon Dietz, File No: 13-19060 dated July 5, 2013, a parcel with a width along Poppy Drive of 12.8 metres and a depth of 125.407 metres, as a lot addition to the consolidated parcel (Parts 1 and 2), municipally known s 1888 Gordon Street, be approved, subject to the following conditions:

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

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

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

3. That prior to endorstation of the deeds, the owner shall convey to the City, at their expense, a 0.3-metre (1') reserve across the 12.8-metre (42') frontage on Poppy Drive.

4. That prior to endorstation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the required conveyance.

5. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to July 12, 2014.

6. 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.

7. 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.

8. 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.

Applications: B-37/13, B-38/13, A-83/13 and A-84/13

Owner: Caleb and Amy Hayhoe/Janette Hayhoe

Agent: Caleb Hayhoe/Janette Hayhoe

Location: 170 and 172 King Street

In Attendance: Caleb Hayhoe
Amy Hayhoe
Janette Hayhoe

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

Mr. Hayhoe replied the notice sign was posted and comments were received from staff. He provided background on the history of ownership for the property and noted a private right-of-way was registered on 172 King Street to enable the owner of 170 King Street to park in one side of a garage. He noted the garage was in dreadful shape and was demolished in 2009. He explained the purpose of the applications was for a land exchange between the two parcels to provide more amenity area for 172 King Street. He noted that 170 King Street has an off-street parking space from King Street and they are utilizing a parking space from Derry Street.

Jeanette Hayhoe provided background about off-street parking in this neighbourhood which is close to the downtown and noted there are many similar circumstances throughout the neighbourhood.

Committee member L. McNair questioned if staff was concerned about the building at 172 King Street encroaching on the Derry Street road allowance.

Mr. Hayhoe replied they have received encroachment agreement for the portion of the building and an annual fee is paid.

Committee member L. McNair expressed concern about a the 4 metre deep parking spaces for both 170 and 172 King Street and the reliance on the City right-of-way.

Ms. Kirkwood provided an option for the Committee to consider, being deferral to meet with staff to review the opportunity to provide two legal off-street parking spaces.

Planner M. Witmer noted staff met with owners last year advised that off-street parking was a concern.

Ms. Hayhoe replied they could entertain discussions with staff to supply off-street parking spaces for both parcels.

Planner M. Witmer noted the exterior parking space depth requirement is 5.5 metres.

Discussion among Committee members identified the owners could meet with Planning staff and works could be undertaken to provide a legal off-street parking space for both parcels. As such, the consents could be supported and the off-street parking variances would not be necessary.

Application Number B-34/13

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 L. McNair and seconded B. Birdsell,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 5, Registered Plan 40, known as 170 King Street, a parcel to the rear of the property with a width of 5 metres and a depth of 2 metres, as a lot addition to the abutting property at 172 King Street, be approved, subject to the following conditions:

1. That the owners comply with the Zoning By-law requirements for minimum parking space size, satisfactory to the Manager of Planning Services and the General Manager/City Engineer, prior to endorsement of the deeds.
2. That the proposed severed parcel of land be conveyed to the abutting owner as a lot addition only (Form 3 Certificate).
3. That the following covenant is incorporated in the deed:-

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

4. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to July 12, 2014.
5. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.

6. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
7. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Application Number A-83/13

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by L. McNair and seconded 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 4.13.2.1, 4.13.3.2.2. and 4.6.2.2 of Zoning By-law (1995)-14864, as amended, for 170 King Street, to permit the off-street parking space to be located in the gravel drive from King Street, 0 metres from King Street with a depth of 4 metres and partially located in the driveway sightline triangle for the driveway at 164 King Street when the By-law requires the off-street parking space be located a minimum of 6 metres from the street property line, with a minimum depth of 5.5 metres and not be located within any driveway sightline triangle, be refused."

Carried.

Application Number B-35/13

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 L. McNair and seconded B. Birdsell,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 5, Registered Plan 40, known as 172 King Street, a parcel to the rear of the property with a width of 3.5 metres and a depth of 2.9 metres, as a lot addition to the abutting property at 170 King Street, be approved, subject to the following conditions:

1. That the owners comply with the Zoning By-law requirements for minimum parking space size, satisfactory to the Manager of Planning Services and the General Manager/City Engineer, prior to endorsement of the deeds.
2. That the proposed severed parcel of land be conveyed to the abutting owner as a lot addition only (Form 3 Certificate).
3. That the following covenant is incorporated in the deed:-

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

4. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to July 12, 2014.
5. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
6. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
7. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number A-84/13

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by L. McNair and seconded B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 172 King Street, to permit the off-street parking space to park in the rear yard 4.5 metres from the Derry Street property line when the By-law requires the off-street parking space be located a minimum of 6 metres from the street property line, be refused.”

Carried.

Application: A-90/13
Owner: 2298907 Ontario Inc.
Agent: Brian Collier; Spec Construction Inc.
Location: 320 Eastview Road
In Attendance: No One

Planner M. Witmer noted staff is actively working with the owner reviewing a drive thru for the property. He noted the reason staff is recommending a deferral is more review is required with this added use to determine further variances may be required.

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

“THAT Application A-90/13 for 2298907 Ontario Inc. at 320 Eastview Road, be deferred sinedie, to discuss with the neighbours a possible compromise and in accordance with the Committee’s policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.”

Carried.

Application: **A-89/13**

Owner: **Michael House Pregnancy Care Centre**

Agent: **Angela Smith, Michael House Pregnancy Care Centre**

Location: **12 Tiffany Street, East**

In Attendance: **Angela Smith**

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

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

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

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

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Table 4.7 – Row 1 and Section 5.1.2.7.i) of Zoning By-law (1995)-14864, as amended, for 12 Tiffany Street, East, to construct a 2.67 metre by 3.2 metre (8.75 foot by 10.5 foot) single storey addition which will be constructed in line with the front wall of the dwelling, along with a 0.76 meter (2.5 foot) access ramp, all being located 0.15 metres (0.5 feet) from the front property line when the By-law requires a minimum setback equal to the average of the setbacks of the properties having lot frontage within the same City Block Face [1.49 metres (4.88 feet)] and a minimum of 0.8 metres (2.62 feet) from the front lot line for the access ramp, be approved, subject to the following condition:

1. That prior to issuance of any building permits, the applicant make arrangements with the Technical Services Department for the possible relocation of the hydro service to the house. This would be at the owner/applicant expense.”

Carried.

Reason for approval being:

1. The variance will result in appropriate use of the property.

Application: A-65/13
Owner: Mozhgan Miri/Mustafah Chomishah
Agent: Mozhgan Miri/Mustafah Chomishah
Location: 764 Willow Road
In Attendance: Mozhgan Miri

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

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

Committee member A. Diamond questioned if adequate parking will be provided for the accessory unit.

Planner M. Witmer replied the applicant has a double car garage and double width 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 B. Birdsell and seconded by L. McNair,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Section 4.15.1.5 and Table 5.1.2-Row 12 of Zoning By-law (1995)-14864, as amended, for 764 Willow Road to permit a 103.1 square metre (1,110 square foot) accessory unit when the By-law requires an accessory unit not exceed 80 square metres (861 square feet) in floor area, and to maintain a 3.5 square metre (38 square foot) concrete walk 0.3 metres (1 foot) from the right side property line when the By-law requires a minimum landscaped open space a minimum of 0.5 metres (1.64 feet) between the driveway and nearest lot line, be approved.”

Carried.

Application: A-82/13

Owner: Melissa Dean

Agent: Mark Lough

Location: 76 Water Street

In Attendance: Mark Lough
David Markwise
Patricia Jamieson
Melissa Dean
Karen Balcolm
Mark Lough
John Gruzlinski
Roy Allingham
Brandon Wilcox
Guy Keys

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

The Committee and applicant reviewed comments received from Heritage Guelph on the application.

Mr. Lough replied the notice sign was posted and comments were received from staff. He explained he proposes to demolish the existing dwelling and construct a new residential dwelling requiring variances for side yard and setback.

Planner M. Witmer advised Planning Services supports the recommended conditions from Heritage Guelph which can replace their recommend condition.

Mr. Lough questioned why a 3.1 metre setback could not be supported by staff.

Planner M. Witmer replied staff would support the 3.1 metre setback which is the average setback for the block face; however the off-street parking space (garage) requires a minimum metre setback from the street property line.

Guy Keys, a resident of 70 Water Street, Brandon Wilcox from 72 Water Street, Karen Balcolm from 12 Albert Street, John Gruzleski from the Old University Residents' Association and Roy Allingham from 18 Mary Street expressed concern about the mass of the building, design of the building, and need to deal with this request with the process in motion to classify this as a Heritage District to protect the existing character of the neighbourhood and the affect of the construction of a similar structure at 12 Mary Street by the applicant.

In response to concerns expressed by the neighbours, Manager of Development Planning S. Kirkwood noted the Zoning By-law permits three storey structures for properties located in Defined Area Map 66 with a 1.5 metre side yard.

Mr. Lough responded to the concerns expressed and noted some people love the design of the structure at 12 Mary Street. He noted the present house at 76 Water Street encroaches on the adjacent property and is occupied by a run-down cottage.

Chair R. Funnell questioned if the off-street parking space was moved back to 6 metres if they would require a side yard variance only.

Planner M. Witmer replied a side yard variance would be the only variance required.

Decision 1 of 2

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by B. Birdsell and seconded by L. McNair,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2-Row 7 of Zoning By-law (1995)-14864, as amended, for 76 Water Street, to permit a new residential dwelling to be constructed with 1.21 metre (4 foot) right and left side yards when the By-law requires a minimum side yard of 1.5 metres (4.92 feet), be approved, subject to the following condition:

1. That prior to the issuance of a building permit, the applicant submit for review and comment by Heritage Guelph:
 - a) A full site plan (indicating all dimensions and the relationship of the proposed front wall to the front walls of the adjacent properties;
 - b) Four elevations showing the design, massing and materials of the proposed dwelling;
 - c) Street view indicating relationship of massing of the proposed dwelling to the adjacent buildings and streetscape.”

Carried.

Decision 2 of 2

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by L. McNair and seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 76 Water Street, to permit the off-street parking space (garage space) for a new residential dwelling to be located 3.1 metres (10.2 feet) from the front property line when the By-law requires the off-street parking space be setback a minimum of 6 meters (19.68 feet) from the front property line, be refused.”

Carried.

Application: A-85/13

Owner: Cristin, Arthur and Cecilia McCarty

Agent: Cristin McCarty

Location: 1 Louisa Drive

In Attendance: Cristin McCarty
Arthur McCarty
Cecilia McCarty
Angela Alps
Mark and Tracy Parfect
Frances LeBraun
Wanda Lisewski

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

Mr. McCarty replied the notice sign was posted and comments were received from staff. He explained they recently purchased the house and provided reasons why the deck and fence were constructed in its current location. It was noted the construction replaced an old fence and overgrown shrub which is an improvement to the property. A petition was submitted in support of the variance requested.

Committee member L. McNair questioned if the encroachment agreement can be for the lifetime of the deck only.

Staff noted that authority is under the Encroachment Agreement By-law which is not within the govern of the Committee of Adjustment.

Angela Alpe, a resident of 122 Grange Street, the resident of 121 Grange Street provided support for the application.

Committee member L. McNair suggested the wood deck and fence should be included in the encroachment application.

The Committee agreed.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by L. McNair and seconded by A. 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 of Zoning By-law (1995)-14864, as amended, for 1 Louisa Drive, to permit a 4.8 metre by 9.4 metre (15.83 foot by 31 foot) deck in the exterior side yard to be located 0 metres from the exterior side lot line when the By-law requires the deck be situate a minimum of .8 metres (2.62 feet) from the exterior side lot line and to project 8.8 metres (28.87 feet) into the required exterior side yard when the By-law permits a maximum projection into the exterior side yard of 3 metres (9.84 feet), be approved, subject to the following condition:

1. That prior to use, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of the existing wood deck and fence that encroaches onto the Louisa Drive right-of-way.”

Carried.

Application: A-85/13

Owner: Tat Wai Lei

Agent: Tat Wai Lei

Location: 87 Curzon Crescent

In Attendance: Tat Wai Lei
Evelyn Delworth
Wanda Lisewski
Ben Pasquale
Kate Fulner

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

Mr. Lei replied the notice sign was posted and comments were received from staff. He explained parking on the street has caused safety concerns and one less car on the road is better.

Ms. Delworth explained she submitted a letter in objection and gave a presentation in objection to the application.

Ben Pasquale a resident of 89 Curzon Crescent supported the application. He noted he would like to construct a basement apartment in the future and would be able to provide the parking with an increase in driveway width.

Kate Fulner a resident of 91 Curzon Crescent spoke in favour of the application and supported the basement apartment located in the unit.

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 B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.2.2 – Row 15 of Zoning By-law (1995)-14864, as amended, for 87 Curzon Crescent, to permit a driveway width of 5 metres (16.4 feet) which constitutes 67.7% of the front yard when the By-law requires the driveway not constitute more than 40% of the front hard [maximum width of 2.95 metres (9.67 feet)], be refused.”

Carried.

Reasons for refusal being:

1. 68% of the front occupied by hard surface (driveway) is not minor and the intent of the By-law is not being maintained as it does not protect important green space.

Application: A-88/13
Owner: 536357 Ontario Ltd.
Agent: Drew Gillingham
Location: 72 Macdonell Street
In Attendance: Drew Gillingham

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

Mr. Gillingham replied the notice sign was posted. He advised staff has requested a deferral and they are more than happy to wait until the study is completed.

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

“THAT Application A-88/13 for 536357 Ontario Ltd. at 72 Macdonell Street, be deferred sinedie, to discuss with the neighbours a possible compromise and in accordance with the Committee’s policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.”

Carried.

Application: A-87/13
Owner: 536357 Ontario Ltd.
Agent: Drew Gillingham
Location: 9 Wyndham Street North
In Attendance: Drew Gillingham

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

Mr. Gillingham replied the notice sign was posted. He advised staff has requested a deferral and they are more than happy to wait until the study is completed.

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

“THAT Application A-87/13 for 536357 Ontario Ltd. at 9 Wyndham Street, North, be deferred sinedie, to discuss with the neighbours a possible compromise and in accordance with the Committee’s policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.”

The meeting adjourned at 7:05 p.m.

R. Funnell
Chair

K. E. Fairfull
Secretary-Treasurer