

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday November 13, 2012 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell
J. Hillen
B. Birdsell
J. Andrews (until 5:30 p.m.)
A. Diamond
L. McNair – Chair
D. Kelly, Vice-Chair

Staff Present: M. Witmer, Planner
T. Spears, Planner
K. Fairfull, Secretary-Treasurer
M. Bunnett, Assistant Secretary-Treasurer

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Meeting Minutes

Moved by R. Funnell and seconded by A. Diamond,

“THAT the Minutes from the October 9, 2012 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

Other Business

The Secretary-Treasurer explained the decision was received from the Ontario Municipal Board dismissing the appeal for Application A-53/12 at 17 Tolton Drive. She advised the application was to allow a second driveway was refused by the Committee and appealed by the applicant. She noted the Ontario Municipal Board dismissed the appeal and upheld the Committee's decision.

November 13, 2012 C of A Minutes

The Secretary-Treasurer advised she is appearing at the Planning, Building, Engineering and Environment Committee on November 19, 2012 as a staff resource if there are any questions from the Committee on the member to replace J. Andrews.

The Secretary-Treasurer distributed the meeting dates for 2013.

Application: **A-110/12**

Owner: **2058665 Ontario Inc.**

Agent: **Nai Park Capital**

Location: **21 Malcolm Road**

In Attendance: **Dean Froome**
 Don Froome

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

Mr. Froome replied the notice sign was posted and comments received. Mr. Froome explained they wish to expand their business in Guelph and want to secure a larger building for warehouse space and to house the large machinery. He requested clarification on the recommendations requiring site plan approval.

Planner M. Witmer noted there are minor issues with the site plan and they should be resolved with the submission of an as-built site plan. He questioned if they had his contact information and he will assist them with contacting site plan staff.

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

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

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Sections 7.3.4.8.1 and 7.1.3 of Zoning By-law (1995)-14864, as amended, for 21 Malcolm Road, to permit a print shop in a freestanding building when the By-law permits a print shop use only within a mall (two or more units), be approved, subject to the following conditions:

1. The owner submits an as-built site plan and receives approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of existing buildings, landscaping, parking, circulation, access, lighting, grading and drainage, servicing, to the satisfaction of the General Manager of Planning and Building Services, prior to the issuance of a building permit for a print shop in a free standing building or prior to occupying any space in the building; and,
2. That the owner shall develop the property in accordance with the approved as-built plans, within one hundred and twenty (120) days of site plan approval.”

Carried

Application: B-52/12
Owner: University of Guelph
Agent: Miller Thomson LLP, Scott Galajda
Location: 160 Chancellors Way
In Attendance: Scott Galajda

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

Mr. Galajda replied the notice sign was posted and comments were received from staff. He noted he is the agent for the University of Guelph who is the owner of the land who wishes to grant a 49 year lease to the Health Unit.

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

Moved by R. Funnell and seconded by 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 long term lease for Part Lot 8, Concession 3, Division ‘G’, being Parts 2, 3, 4, 5, 6 7, 12, 37, 38, 39 and 40 on Reference Plan 61R-11937, to be known municipally as 160 Chancellors Way, to permit a lease for 49 years for a 4180.6 square metre building for Wellington-Dufferin-Guelph Public Health Unit, be approved, subject to the following conditions:

1. 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 November 16, 2013.
2. 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.
3. 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.
4. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Application: **A-108/12**

Owner: **Oakwood Retirement Communities Inc.**

Agent: **Wellings Planning Consultants Inc.; Glenn J. Wellings**

Location: **60 Woodlawn Road East**

In Attendance: **Nancy Frieday**
 Paul Brown

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

Ms. Frieday noted Planning staff has requested deferral of the application to better understand the use of the medical office in the building. He noted they are pleased to defer the application and provide the information to staff.

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

“THAT Application A-108/12 for Oakwood Retirement Communities Inc. at 60 Woodlawn Road East, be deferred sinedie, to allow staff and the applicant to have more time to refine terminology in the application and better understand the nature of the requested variance 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-111/12**

Owner: **Charlane Stecjuk**

Agent: **n/a**

Location: **28 Devere Drive**

In Attendance: **Charlane Stecjuk**
 Bill Frisbee
 Ann Frisbee
 Christine Orme
 Malcolm Orme
 Paul Ksenych
 Edward Scappatura
 Josee Ottenbrite

The Assistant Secretary-Treasurer advised that a lengthy email has been received in response to the staff comments; a copy has been given to Committee members for review. She also advised that an email was received from residents at 27 Devere Drive objecting the application and another email was received supporting the application.

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

Ms. Stecjuk replied that the sign was posted and the staff comments were received. She explained that she owns Gentle Dental Hygiene Services and she is the sole proprietor with no employees. She noted that she bought the house in 2006 with the intent of opening a home business in an office on the main floor which would occupy less than 10% of the gross floor area. She explained that she does not consider herself being a medical practitioner but a health care provider. She advised the committee of her credentials. She also advised that in 2007 a regulation was passed that dental hygienists can operate from home. She commented that she sees approximately 5 to 7 patients per week for one hour at a time. She also commented that

she feels she would not be able to support herself by operating from outside of her home. She explained that she has posted a notice in her office regarding parking and respecting the neighbour's ability to enter and leave their driveways without obstruction. She advised the Committee that she has contacted contractors to widen her driveway which will be done next spring. She commented that she is also very busy with different volunteer work which will cause more parking of vehicles on the street.

Committee member J. Hillen questioned whether she has a secretary or other employees.

Ms. Stecjuk replied that she does not have any employees.

Committee member D. Kelly commented that it appears staff is considering a dental hygienist to be a medical practitioner.

Planner M. Witmer replied that staff has concluded that a dental hygienist is considered to be a medical practitioner.

Committee member D. Kelly further questioned staff on how the property owner realized a minor variance application was necessary.

Planner M. Witmer replied that after a complaint was received regarding a home business, the City zoning inspector contacted him with the details. He explained that they consulted the owner with the options of either applying for a minor variance or to discontinue the use. He further explained that once the extra parking space is accommodated, the variance can be considered as minor. He commented that external signage has been utilized but the signs have since been removed.

Committee member D. Kelly noted that one of the letters from residents referenced to a co-worker and to some parking issues they had to deal with.

Ms. Stecjuk commented that she does not have any employees.

Committee member A. Diamond commented that since the provincial government changed the rules in 2007, she has a concern the Committee might face similar applications in the future.

Ms. Stecjuk commented that she considers her practise being similar in nature as a physiotherapist.

Committee member D. Kelly commented that in her opinion, the by-law should be changed and made explicit; it should not be up to the Committee to decide what is medical and what is not.

Committee member B. Birdsell commented that if the Committee chooses to approve the variance, they are permitting a single use type with a single practitioner for a specific location. He further commented that the Committee is not precedent setting.

Chair L. McNair questioned whether the applicant will be taking x-rays in her home office.

Ms. Stecjuk replied that she does not take any x-rays.

Mr. Ksenych, a resident at 23 Devere Drive, read through a letter he previously submitted. He felt that parking is an issue. He continued by stating that he has witnessed several vehicles being parked in front of 28 Devere Drive for several hours at a time. He noted that he is objecting to the application.

Ms. Orme, a resident at 21 Devere Drive, explained that the neighbours assumed that City Hall was aware of the home business. She commented on letters in support of the application by questioning if a distant neighbour would be affected by the home occupation. She expressed some concern on possible other dental hygienists operating in the City without approvals. She continued by quoting the College of Dental Hygienists website which lists what a dental hygienist is able to do. She further noted that the equipment being used should be very similar to a dentist or a medical doctor. She quoted the definition given in the Zoning By-law for a medical office and felt the term could be easily applied to the facility the dental hygienist is operating from. She encouraged the Planning and Zoning staff to further investigate the application and hoped to prevent a precedent setting case.

Committee member J. Hillen questioned if her concern is for the medical office or the parking.

Ms. Orme replied that the parking is a problem especially when the garage is not being used for parking. She continued by explaining that the medical part is a bigger concern because doctors and dentist are not allowed to have medical offices in their homes. She felt the terminology is causing the confusion.

Mr. Frisbee, resident at 26 Devere Drive, explained that he is concerned with the medical aspect of the application. He commented that City staff has not provided a list of reasons why medical and dental offices are not permitted in Guelph homes and in the province. He wondered what demands the exclusion and what the intent of the By-law is. He noted that he would be interested in seeing the minutes of a Planning Staff meeting where the reasons for excluding medical offices are discussed. He commented that if other dental hygienists are currently operating as a home business in Guelph, are they legal and will they set a precedent, subjecting this application to an unnecessary hearing. He further commented that perhaps the current Zoning By-law needs to be changed; the definition for "related medical service" should be re-considered.

Committee member A. Diamond questioned whether the applicant would generate any biohazard waste.

Ms. Stecjuk replied that she does not generate enough to be considered as hazardous. She noted that she does not use needles and does not do local anaesthetic.

Committee member J. Andrews questioned whether the applicant could be able to do more under a dental supervision, such as x-rays.

Ms. Stecjuk replied that is correct. She commented that if she would be considered a medical practitioner, she would have to be a qualified dentist or a qualified doctor.

Planner M. Witmer commented that Planning Services has therefore a condition of limiting the operation to a licensed dental hygienist only.

Chair L. McNair questioned staff, in the medical field, who would be considered to be a medical practitioner and whether a chiropractor is a permitted home occupation.

Planner M. Witmer replied that a physician or a doctor is a medical practitioner. He further replied that a chiropractor is considered to be a medical practitioner, as well as an optician.

Committee member A. Diamond commented that the Committee should focus on the impact on a local basis, rather than the terminology.

Committee member D. Kelly noted that any technical terms are outside the Committee's purview.

Committee member J. Andrews commented that the Committee is considering a specific application and not the broad line of profession.

Planner M. Witmer commented that the profession has changed and diversified significantly since 2007. He also commented that the interpretation in the Zoning By-law might be out of date and will be reviewed in detail when there is a new Zoning By-law implemented.

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

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

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.19.4 (iii) of Zoning By-law (1995)-14864, as amended, for 28 Devere Drive, to permit a Medical Office (dental hygiene practise) as a home occupation when the By-law does not permit a Medical Office as a home occupation, be approved, subject to the following conditions:

1. That the owner pays the actual cost of the construction of the new driveway extension and the required curb cut, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
2. That the applicant widens their driveway by 0.8 metres (to equal 5 metres) so as to provide for the required two (2) off street parking spaces needed to support the medical office as a home occupation.
3. That the medical office be limited to one (1) licensed dental hygiene practitioner only and 0 support staff.
4. That the medical office as a dental hygiene practice be limited to a maximum floor area of 21.5 square metres.”

Reasons for approval being:

1. The application is minor in nature, and
2. The application meets the criteria for a minor variance.

Carried

Application: **A-114/12**

Owner: **Trellis Mental Health and Development**

Agent: **R. Seligman Associates Inc.; Richard Seligman**

Location: **80 Waterloo Avenue**

In Attendance: **Richard Seligman**
 Fred Wagner

The Secretary-Treasurer advised of an error in the notice: the corner sightline triangle is located at Glasgow Street and Waterloo Street. The Secretary-Treasurer advised that an email has been received from residents of 12 Glasgow Street South objecting the application.

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

Mr. Seligman replied the signs were posted and the staff comments were received. He explained that the property in question previously received approvals for parking and height variances. He further explained that they have since initiated a program where they have met with the community to discuss the project. He advised that they have also met with the City site plan review committee and in the process they recognized two additional variances. He explained they are requesting a variance to permit a 7 metre sightline triangle in lieu of 9 metres. He noted that they have decided to use the existing foot print of the building and the

right-of-way on Glasgow Street is quite wide. He explained that the property originally had a front yard facing Waterloo Avenue and in 1995 the front yard changed to face Glasgow Street which now makes Birmingham Street the rear yard. He noted that he feels the 5.15 metre setback seems reasonable, in lieu of the required 7.5 metres. He commented that they have acknowledged the interest of the community by screening the parking area, minding the lighting, creating as much green space as possible and tried to reflect the design of the building with others in the neighbourhood.

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

Moved by A. Diamond and seconded by R. Funnell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.6.1 i) and Table 8.2 Row 6 of Zoning By-law (1995)-14864, as amended, for 80 Waterloo Avenue, to permit, for special health and social services, a 1.908 square metre three storey building to:

- a) be located 5.15 metres from Birmingham Street when the By-law requires a minimum rear yard to be equal to $\frac{1}{2}$ of the building height or 7.5 metres, whichever is greater, and
- b) to permit a 7 metre corner sightline triangle at Glasgow Street and Waterloo Street when the By-law requires that no building or structure be permitted within the 9 metre corner sightline triangle formed at the intersection of Glasgow Street and Waterloo Avenue,

be approved subject to the following condition:

1. That the owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, fencing, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the lands to the satisfaction of the General Manager of Planning and Building Services and General Manager/City Engineer, prior to the issuance of a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.”

Carried

Application: B-54/12 and A-115/12
Owner: Teresa Marthaler
Agent: Stantec Consulting; Dan Young
Location: 1858 Gordon Street / Poppy Lane
In Attendance: Dan Young

The Secretary-Treasurer advised that comments from Heritage Planning were distributed to the applicant and the Committee members for their review.

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

Mr. Young replied that the signs have been posted and they have received the staff comments. He explained that they are in agreement with the comments received from staff and are requesting a deferral.

Moved by R. Funnell and seconded by A. Diamond,

“THAT Applications B-54/12 and A-115/12 for Theresa Marthaler at 1858 Gordon Street, be deferred sinedie, to allow staff for more time to properly evaluate the application 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: B-30/12
Owner: Nosam Properties Ltd.
Agent: VanHarten Surveying Inc.; Jeff Buisman
Location: 24 Douglas Street
In Attendance: Jeff Buisman

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

Mr. Buisman replied the sign was posted and the staff comments were received. He explained that they would like to defer the application as they are struggling with one of the conditions.

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

“THAT Application B-30/12 for Nosam Properties at 24 Douglas Street, be deferred sinedie, to allow the property owner and his agent to meet with City staff regarding their recommendations 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

Jim Andrews left the meeting at 5:30 p.m.

Application: B-53/12 and A-112/13
Owner: 2111289 Ontario Inc.
Agent: VanHarten Surveying Inc.; Jeff Buisman
Location: 20 Campbell Road
In Attendance: Robert Havekes
Blake Mills
Jeff Buisman

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

Mr. Buisman replied the notice sign was posted and comments received. He explained the property is comprised of a parcel with an area of 20 acres. He noted they propose to sever the middle parcel to be purchased by Traxxside who has a business fronting on Speedvale Avenue. He noted the main business is trans-loading which loads to and from trucks to agricultural hoppers and train cars with products such as malt for breweries. He noted with the many activities on site, the property much be kept clean and tidy. He explained they plan to fix the spur line on the Campbell Road property and use it for storage. He explained the prior use of the property and noted it would require clean up. He advised he discussed the concerns from staff respecting the buffer strip and they have agreed to withdraw their request for elimination of the buffer strip and are willing to comply with By-law requirements, however they wish to continue with the request to provide outdoor storage in the front yard as the building is setback

quite far on the property. With respect to the concerns from staff he explained they plan to store skids of mulch and landscape supplies on the property for transport. He further questioned if the request to submit a record of site condition applied to the severed parcel only or the entire property.

Planner M. Witmer confirmed the Record of Site Condition applies to the entire site, which was confirmed by Engineering staff that day.

Application B-53/12

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

Moved by R. Funnell and seconded by D. Kelly,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lots 4 and 5, Registered Plan 541, to be known as 50 Campbell Road, a parcel with a frontage along Campbell Road of 114.6 metres and a total area of 2.833 hectares, be approved, subject to the following conditions:

1. Prior to endorstation of the deeds, the Owner shall provide the City with all relevant environmental reports pertaining to the Site including, but not limited to, Phase I Environmental Site Assessments (ESA), Phase II ESAs, groundwater pump and treatment system records, remedial action plans, remediation summary reports, risk assessments and Records of Site Condition.
2. Prior to endorstation of the deeds, any monitoring wells and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines.
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 November 16, 2013.
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

Application A-112/12

The Committee acknowledged the variance from Section 4.12.2.3 requesting no buffer strip between the outdoor storage area and the street, be withdrawn as the applicant intends to comply with the By-law requirements.

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

Moved by R. Funnell and seconded by D. Kelly,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.12.2 of Zoning By-law (1995)-14864, as amended, for 20 Campbell Road, to permit outdoor storage in the front yard when the By-law requires outdoor storage be located in a side yard or rear yard only, be approved.”

Carried.

Application: **A-113/12**

Owner: **717723 Ontario Inc.**

Agent: **VanHarten Surveying Inc.; Jeff Buisman**

Location: **570 Kortright Road West**

In Attendance: **Jeff Buisman**

Scott Louch
Diane and John Marchese
Jane McCulloch
Richard and Ella Kilpatrick
Judy Jowett

The Secretary-Treasurer advised that a letter was received from a resident at 279 Ironwood Road objecting the application and an email was also received from a resident at 8 Woodborough Road objecting the application in addition to the letters received and attached to the staff report.

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

Mr. Buisman replied the notice signs were posted and comments were received from staff. He explained Goodwill would like to use this unit as a donation centre and noted the Zoning By-law does not have a definition for a donation centre therefore a minor variance is required to permit the use. He noted they received approval for the plaza on Scottsdale Drive however they were unable to secure a lease. He explained Goodwill no longer has storage bins for the receipt of goods as they prefer the goods be dropped off at mall units.

Mr. Louch explained they used to be in bin business but discontinued 5 years ago. He noted their staff come out and collect the goods and bring it into the unit. He explained 1 truck/day to the unit to collect goods which would take approximately 15 minutes.

Committee member R. Funnell questioned if they have found dumping of goods at their door step after they ceased using bins.

Mr. Louch replied they originally will stay open until 8:00 p.m. and if there are problems with dumping they will stay open later.

John Marchese who resides at 293 Ironwood Road expressed concerns it will become a dumping ground after hours.

Mr. Louch noted they have a donation centre on Woodlawn and there is an attendant there at all times and they must help the owner within 10 seconds. He noted this practice will continue at this location.

Ms. Diane Marchese questioned what the signage associated with the business would look like. She noted the plaza is well maintained and she would like this practice to continue.

Mr. Louch volunteered to send pictures of the signage if contact information was provided.

Ms. Marchese questioned if this could this be turned into a retail outlet.

Chair L. McNair noted one of the recommendations from the Committee could be that no retail be permitted.

Mr. Louch noted the unit is only 855 square feet and it will not be possible to have retail on the premises as their retail outlets are typically 10,000 square feet. He assured the residents and Committee members there would be no retail operations.

Ian Bruce expressed two concerns with the proposal. He noted the garage containers are located to the rear of the plaza which makes it awkward for trucks to manoeuvre on the site. He expressed further concern about the transport trailers parking there throughout the year with reefer units running causing lots of noise.

Planner M. Witmer noted he will review the site plan to determine if the bins are allowed at the rear of the units.

Jane McCulloch from 279 Ironwood Road expressed her concerns in a letter and felt strongly the proposed use would result in the dumping of goods in the plaza.

Mr. Louch replied the donation centre accepts all goods which are sent to their London sorting plant to recycle or ship to their stores. He noted nothing is thrown out at the collection outlets.

Committee member J. Hillen noted he uses the drop off on the Woodlawn Road location and has never seen outdoor storage of goods. He noted the staff immediately met him at his car to collect the goods.

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

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

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 6.2.1.1 of Zoning By-law (1995)-14864, as amended, for 570 Kortright Road West, to permit a donation centre in Unit 2A to receive donations from the public of primarily used or second-hand house wares, domestic furniture, appliances, equipment, toys and clothing and where these goods are sorted and re-used in part, be approved, subject to the following conditions:

1. That a Donation Centre be defined as “an establishment owned and operated by a registered non-profit charitable organization which is attended by employees to

receive donations from the public, of primarily used or second-hand house wares, domestic furniture, appliances, equipment, toys and clothing, and where these good are sorted and re-used in part”.

2. That no outdoor storage areas, including bins, for donations are to be established in the front or side yards of the property or within the loading or waste management areas in the rear yard.
3. That retail not be permitted as part of the Goodwill Donation Centre operation.”

Carried

Application: B-51/12 and A-109/12

Owner: Bradford and Diane Miron

Agent: VanHarten Surveying Inc.; Jeff Buisman

Location: 35 Skov Crescent

In Attendance: Bradford Miron
Jeff Buisman
Richard Kilpatrick
Ella Kilpatrick
Judy Jowett

The Secretary-Treasurer advised that comments from Heritage Planning were distributed to the applicant and the Committee members for their review.

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

Mr. Buisman replied the notice sign was posted and comments were received from staff. He explained this property is called the Skov House and Mr. Skov developed this as a subdivision. He advised this large parcel has been owned by Brad Miron for 5 years and they are now proposing a severance on the left side of the property to construct a new dwelling for the owner. He noted the lot meets the requirements for lot width and area and a front yard setback is being requested as they plan to construct the building forward on the lot due to the curve of the streetline. He noted he met with Heritage Guelph staff on site and their concerns have been addressed.

Richard Kilpatrick who resides at 4 Cote Drive spoke on behalf of the neighbour at 6 Cote Drive with concerns on the application. He expressed concern about the piling of snow with the

introduction of another driveway. He further noted there has been sewage backup problems and drainage problems on the street which could be intensified with the introduction of a new house.

Mr. Buisman noted the severed and retained parcels comply with Zoning By-law requirements. He noted sewage and drainage problems have not been identified by Engineering staff.

Mr. Kilpatrick questioned what type of dwelling is being proposed for the property.

Mr. Buisman replied Jeff the owner intends to reside in the new dwelling and their intention is to construct a bungalow but may consider a one storey with a loft.

Planner M. Witmer advised the By-law would permit up to 3 storeys in height, however one of the recommendations from staff is to review the building permit drawings to determine conformance with area development.

Mr. Miron explained there have been problems with snow ploughing on the cul-de-sac and he has contacted the City about this concern. He noted the ploughing is done by a private contractor and once the City is contacted they send out their staff to plough the snow.

Staff advised they would investigate the grading and drainage concerns.

Application B-51/12

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

Moved by R. Funnell and seconded by B. Birdsell,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lots 25 and 31, Registered Plan 439, to be municipally known as 8 Cote Drive, a parcel with a lot frontage along Cote Drive of 17.6 metres and a depth of 26.3 metres along the westerly lot line, be approved, subject to the following conditions:

1. Prior to the issuance of any building permit for the lands, the owner shall pay to the City, the City’s total cost of reproduction and distribution of the Guelph Residents’ Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
2. Prior to the issuance of any building permit for the lands, 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.
3. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwelling on the severed parcel indicating:
 - a. The location and design of the new dwelling;
 - b. All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
 - c. The location of the new dwelling with a setback that is in character with the surrounding area;
 - d. Grading, drainage and servicing information.
 4. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
 5. That the elevation and design drawings for the new dwelling on the severed parcel be submitted to, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
 6. That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services.
 7. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.

8. That the owner pays the actual cost of constructing new service laterals to the severed lands including the cost of any curb cuts 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 a building permit.
9. That the owner pays the actual cost of the construction of the new driveway entrance including the required curb cut and/or curb fill, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
10. That prior to the issuance of any building permits on the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed severed lands.
11. That the owner constructs the new dwelling at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
12. That the owner shall pay the actual costs associated with the removal of the existing patio area, walls and steps, and the removal of the existing stone pillar and a portion of the wood fence from the road allowance across the frontage of the proposed severed lands, prior to endorstation of the deeds.
13. That the owner enters into a Storm Sewer Agreement with the City, satisfactory to the General Manager/City Engineer, prior to endorstation of the deeds.
14. That a legal off-street parking space be created on the severed parcel at a minimum setback of 6-metres from the property line at the street.
15. That prior to the endorstation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
16. That the owner shall make satisfactory arrangements with the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the vacant lands, prior to the issuance of any building permit.
17. That prior to issuance of a building permit, the applicant makes arrangement for provision of hydro servicing to the new severed parcel, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the applicant's expense.
18. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of

Adjustment along with the administration fee required for endorsement, prior to November 16, 2013.

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

Carried

Application A-109/12

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

Moved by R. Funnell and seconded by B. Birdsell,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 6 of Zoning By-law (1995)-14864, as amended, for 8 Cote Drive, to permit a front yard setback of 4.6 metres when the By-law requires a minimum front yard of 6 metres, be approved, subject to the following condition:

1. That the conditions imposed for Application B-51/12 be and form part of this approval."

Carried

The meeting adjourned at 6:50 p.m.

L. McNair
Chair

Kim Fairfull, ACST
Secretary-Treasurer

Minna Bunnett, ACST(A)
Assistant Secretary-Treasurer