

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday December 11, 2014 at 3:15 p.m. in Council Chambers, City Hall, with the following members present:

R. Funnell, Chair  
J. Hillen (arrived at 4:05 p.m.)  
L. McNair  
K. Ash  
B. Birdsell (arrived at 4:28 p.m.)

Regrets: None

Staff Present: M. Witmer, Planner  
L. Sulatycki, Planner  
T. Russell, Secretary-Treasurer  
S. Samuel, Legislative Coordinator

### Declarations of Pecuniary Interest

Committee member J. Hillen stated that he had a pecuniary interest with File A-119/14 as it involves a former client.

### Meeting Minutes

Moved by L. McNair and seconded by K. Ash,

“THAT the Minutes from the November 20, 2014 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

Secretary-Treasurer T. Russell notified the Committee that an update to the September 2014 Official Plan Consolidation (Schedule 1 Map) is available and has been provided to the Committee members.

Secretary-Treasurer T. Russell notified the Committee that extra paper copies of the September Official Plan Consolidation are available from the Secretary-Treasurer.

Secretary-Treasurer T. Russell notified the Committee that an Ontario Municipal Board (OMB) appeal has been received for File A-115/14 for 28 Rodgers Road. A copy of the appellant form was provided to the Committee members.

**Application: B-30/14**

**Owner: Elsie Ten Cate Roos**

**Agent: Brian Beatty, Black, Shoemaker, Robinson and Donaldson Ltd.**

**Location: 155 Grove Street**

**In Attendance: Nancy Shoemaker  
Elsie Ten Cate Roos**

Secretary-Treasurer T. Russell advised that comments from the Guelph Junction Railway have been received regarding this application for information purposes only. A copy of the correspondence was provided to the Committee. No comments have been received from Canadian National Railway (CNR) or Metrolinx.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. N. Shoemaker replied that the sign was posted and comments were received.

Ms. N. Shoemaker referred the Committee members to condition 17 regarding the landscaped strip and parking space. She indicated that the owner will probably be applying for a minor variance in regards to the driveway. She stated that she is concerned that wording of the condition is not clear and requested the Committee to consider adding the additional words "if required" after "...to the satisfaction of the Chief Building Official or his designate". She stated that if they do proceed with the minor variance, condition 17 will no longer be required. She also requested that in the event that a minor variance is not applied for, that the words "prior to endorstation of deeds" be added to condition 17 as all the other conditions are either prior to a building permit or prior to endorstation of deeds. She stated that to her six months is a very arbitrary number and this condition needs to be completed before the deeds are endorsed.

Chair R. Funnell asked staff if the request for additional wording for condition 17 is acceptable. Planner L. Sulatycki replied that yes this would be appropriate to add. She noted that in the consent application the applicant referenced applying for a minor variance.

The Committee members had no questions for the applicant.

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 K. Ash,

“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 Lots 28, 29 and Part Lot 30, Plan 227, 155 Grove Street, a parcel with a frontage along Grove Street of 16.34 metres (53.61 feet) and an area of 544.9 square metres (5,865.25 square feet), be approved, subject to the following conditions:

1. That prior to endorsation of the deeds, the owner shall pay to the City, the watermain frontage charge of \$8.00 per foot for 53.60 feet (16.34 metres) of frontage on Grove Street.
2. That the owner pay to the City, as determined applicable by the City’s Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
3. That the owner pays the actual cost of constructing new service laterals to the proposed severed lands including the cost of any curb cuts or fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
4. That the owner shall pay for all the costs associated with the removal of the existing wood lattice fence and gate and any other materials from the proposed severed lands, prior to endorsation of the deeds.
5. That the owner constructs the new dwelling at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
6. That prior to the issuance of any building permits on the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed severed lands.

7. That the owner pays the actual cost of the construction of the new driveway entrance and the required curb cut, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
8. That the owner pays the actual cost of the construction of a new concrete sidewalk including the restoration of the boulevard with topsoil and sod and the curb and gutter if required, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
9. That a legal off-street parking space be created on the severed parcel at a minimum setback of 6-metres from the Grove Street property line.
10. 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.
11. 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.
12. 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.
13. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed severed and retained lands, prior to the issuance of any building permits.
14. That the owner makes satisfactory arrangements with Union Gas for the servicing of the severed lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
15. 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.
16. 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.

17. That prior to endorsation of the deeds, a 0.5 m landscaped strip be provided and a legal off-street parking space be created in compliance with the City of Guelph Zoning Bylaw is provided on the retained lot to the satisfaction of the Chief Building Official or his designate, if required.
18. 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.
19. 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.
20. 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 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; and,
  - d) Grading, drainage and servicing information.
21. 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.

22. That, prior to the endorsonation of the deeds, a minor variance application is applied for and approved for the reduced landscaped open space between the driveway and nearest lot line and for the parking space to be located within 6 metres of the street line and front wall of the main building.
23. Prior to the endorsonation of the deeds, the Owner shall provide the City written confirmation from Metrolinx or any successor thereof, that their requirements have been met.
24. That a Tree Inventory and Preservation Plan be completed by an arborist and to the satisfaction of the General Manager of Planning prior to the issuance of a building permit.
25. That the Tree Inventory and Preservation Plan seek to preserve as many healthy trees as possible in conjunction with a proposed building envelope which includes a driveway, servicing and consideration for grading impacts.
26. That a Vegetation Compensation Plan be completed and implemented as part of the development and to the satisfaction of the General Manager of Planning, prior to the issuance of a building permit.
27. That vegetation removal be undertaken outside of the core breeding bird period which is May 1 to July 31.
28. That prior to the endorsonation 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.
29. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to December 16, 2015.
30. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
31. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent

certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.

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

Carried

**Application:** B-31/14

**Owner:** University of Guelph

**Agent:** Krista Walkey, Stantec Consulting Ltd.

**Location:** 781 Victoria Road South

**In Attendance:** Krista Walkey  
Matt Robson

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. K. Walkey replied that the sign was posted and comments were received.

Ms. K. Walkey noted that some of the conditions are required prior to building permit or site plan approval instead of prior to consent approval so she appreciated being notified of these conditions in advance. She stated that in regards to conditions 5, 6, and 7, she has discussed these with the City Solicitor and questioned the legal ability to apply these certain conditions to this development application. She requested that the Committee add the wording “if deemed applicable by the General Manager/City Engineer” the end of conditions 5, 6, and 7. Ms. K. Walkey indicated that it is acceptable to have these conditions included, but would like some time to finish resolving these issues prior to the severance completion.

Chair R. Funnell asked staff to comment on the request for additional wording. Planner L. Sulatycki replied that the request for additional wording for conditions 5, 6, and 7 is acceptable.

The Committee members had no questions for the applicant.

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 K. Ash 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 of Lot 2, Concession 8, Former Geographic Township of Puslinch, to be known municipally as 781 Victoria Road South, a parcel with a frontage along Victoria Road South of 138.57 metres (454.63 feet) and an area of 1.27 hectares (3.14 acres), (as shown as Part 1 on draft Plan of Survey, Project No.: 160311339, prepared by Stantec Geomatics Ltd. on October 6, 2014), be approved, subject to the following conditions:

1. The owner acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. The owner shall retain a Qualified Person (QP) as defined in Ontario Regulation 153/04 to prepare and submit a Phase 1 Environmental Site Assessment and any other subsequent phases required in accordance with Ontario Regulation 153/04, to assess any real property to ensure that such property is free of contamination. If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the owner’s expense. Prior to the site plan approval, a Qualified Person shall certify that all properties to be developed are free of contamination.
2. If contamination is found, the owner shall:
  - a. submit all environmental assessment reports prepared in accordance with the Record of Site Condition (O. Reg. 153/04) describing the current conditions of the land to be developed and the proposed remedial action plan to the satisfaction of the City;
  - b. 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
  - c. file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be developed.
3. That the owner deeds to the City free of all encumbrances a 3.0-metre (9.84 feet) wide parcel of land for a road widening across the Victoria Road frontage as shown as Part 2 on the attached Draft 61R-\*\*\*\*\* Reference Plan dated October 6, 2014, prior to endorsation of the deeds.
4. The owner agrees to submit and receive approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of buildings, landscaping, parking, access, lighting, grading and drainage



and servicing to the satisfaction of the General Manager of Planning and Building and the General Manager/City Engineer, prior to the issuance of a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.

5. That prior to endorsation of the deeds, the owner shall pay to the City, \$21,200.16 representing the outstanding owner's share of the cost of the existing watermain on Victoria Road across the frontage, if deemed applicable by the General Manager/City Engineer.
6. That prior to endorsation of the deeds, the owner shall pay to the City, \$74,159.40 representing the outstanding owner's share of the cost of the existing gravity sanitary sewer on Victoria Road across the frontage, if deemed applicable by the General Manager/City Engineer.
7. The owner shall pay to the City its share of the actual cost of constructing municipal services, roadworks on Victoria Road across their frontage including curb and gutter, catchbasins, sidewalks, streetlighting as determined by the General Manager/ City Engineer, if deemed applicable by the General Manager/City Engineer. Furthermore, prior to endorsation of the deeds, the owner shall pay the estimated cost of the municipal services, roadworks including curb and gutter, catchbasins, sidewalks, streetlighting as determined by the General Manager/ City Engineer, if deemed applicable by the General Manager/City Engineer.
8. That the owner pays the actual cost of constructing a sanitary sewer lateral and watermain service laterals and the new driveway access, curb cut including boulevard restoration, i.e. topsoil/sod within the right-of-way allowance. Furthermore, prior to endorsation of the deeds, the owner shall pay to the City the estimated cost of constructing the sanitary sewer lateral and watermain service laterals and the new driveway access, curb cut, including boulevard restoration, i.e. topsoil/sod within the right-of-way allowance as determined by the General Manager/City Engineer.
9. That the owner constructs the buildings at such an elevation that the buildings can be serviced with a gravity connection to the sanitary sewer.
10. That the owner agrees to have a Professional Engineer design a stormwater management system for the said lands, to the satisfaction of the General Manager/City Engineer, prior to the issuance of site plan approval.
11. That the owner agrees to grade, develop and maintain the said lands including the stormwater management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the

General Manager/City Engineer. Furthermore the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system and that the storm water management system was built as it was approved by the City and that it is functioning properly.

12. Prior to the issuance of site plan approval, the owner shall have a Professional Engineer design a grading and drainage plan for the said lands, satisfactory to the General Manager/City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the grading and drainage plan certify to the City that he/she has inspected the final grading of the site and that it is functioning properly.
13. The owner shall be responsible for the total cost associated with the repair of any damage to the existing municipal services which is caused during the course of construction or building on the said lands.
14. 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.
15. During the construction of any building or structure on any part of the said lands, and the installation of any service or utility, the owner shall observe, or cause to be observed, all By-laws of the City and the following provisions and shall deliver a copy of this to every contractor who may construct any of the Municipal Services:
  - a) All streets abutting on the said lands which are to be used for access to the said lands during the development of them and during construction of buildings on them shall be kept in good and usable condition and, if damaged, shall be repaired immediately to the satisfaction of the General Manager/City Engineer at the expense of the owner;
  - b) All trucks and vehicles making deliveries to or taking materials from the said lands or working on the said lands shall be both covered and loaded in such a manner as to not scatter refuse, rubbish, or debris on any road or highway whether within the said lands or not. Should any such refuse, rubbish, or debris be so scattered, the owner shall be responsible to immediately remove it and correct any damage caused thereby. Failing immediate removal of the refuse, rubbish, or debris, the City may remove it and the City may correct any damage caused thereby, such removal and/or correction to be at the expense of the owner.
  - c) All construction garbage shall be collected and disposed of in an orderly manner at the Municipal Waste Disposal Site, or at such other place as may be approved by the General Manager/City Engineer. Under no

circumstances shall garbage or rubbish of any kind be disposed of by burning on the site without authorization of the Fire Chief.

16. Prior to the issuance of a building permit, any domestic wells, 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. The owner shall submit a Well Record to the satisfaction of the General Manager/City Engineer.
17. Prior to issuance of a building permit, the owner is required to reimburse the City Engineering Department for the cost of reviewing development plans at a rate of 5% of the estimated cost of all the site works.
18. 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 on the said lands, prior to the issuance of a building permit.
19. 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.
20. 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.
21. That prior to the issuance of site plan approval, 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.
22. That the applications for an Official Plan Amendment and Zoning By-law Amendment (OP1301/ZC1304) be approved and be in full force and effect, prior to endorsement of deeds.
23. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to December 16, 2015.
24. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.

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

Carried

**Application:** A-122/14

**Owner:** 150 Wellington Guelph Limited

**Agent:** Krista Walkey, Stantec Consulting Ltd.

**Location:** 150 Wellington Street East

**In Attendance:** Krista Walkey

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. K. Walkey replied that the sign was posted and comments were received.

Ms. K. Walkey stated that she hoped the Committee can consider the application as the staff comments are requesting deferral and there was not time in the past week for her to meet with staff. She stated that the provided off-street parking on the site is 202 spaces, with 184 for the residential uses and 18 for the commercial uses. She clarified that they are asking permission to shift the allocation around to provide more parking for the residential uses and less for the commercial uses. She stated that a total of 202 parking spaces are remaining and they are not reducing the total number of parking spaces. She stated that they are also providing three off-site parking spaces at the end of Surrey Street which would be dedicated to this development as well. She indicated that this development is in the downtown core and the height and density was approved through the Secondary Plan, which is an Official Plan document; however, the Zoning By-law has not been updated or amended. She stated that they feel it is an excess of parking for the commercial development as there is no commercial parking requirement for the large 18-storey apartment building on the other side of Macdonell Street.

She stated that in order to compete and keep the downtown developments active and alive, she believes this is a good use for the site. She also indicated that there is a City parking lot immediately abutting this property and there are plans for the City to construct a parkade immediately abutting the subject property. She stated they provided plans for that parkade as part of their development review and this development connects a pedestrian walkway on both the east and west sides and north and south sides so all sides are connected to the City lot and the proposed parkade so they feel there is sufficient parking in the area if there is a need for additional parking.

Committee member K. Ash noted that circulation map included in the public meeting notice and the site plan that was provided are different in terms of the property configuration. She stated that it appears that parking is not on the subject property. Ms. K. Walkey replied that all the required parking is provided on the property below grade and there is not additional parking off-site. Committee member K. Ash stated that these two maps need to jive with each other in the future and asked if the applicant is requesting deferral. Ms. K. Walkey stated that she is unsure what happened with the map prepared by the City. Chair R. Funnell asked staff to address the differences. Planner M. Witmer asked to defer this question to the Secretary-Treasurer as the notice is generated by the City Clerk's office. Secretary-Treasurer T. Russell replied that Planning staff generates the circulation map and she checked the current GIS map available and the circulation map does match the property boundaries shown on the GIS system so she is not sure where the differences in the property lines are originating from.

Committee member K. Ash stated that she is concerned that the drawing does not show the parking on the subject property and perhaps it is difficult to see as the drawing is smaller. She stated that if this application is deferred and another notice is required to be sent out, that the property boundaries be clearly outlined on the site plan. Planner M. Witmer replied that the drawing submitted is the exact same drawing as what was submitted for site plan approval and conditional approval has been issued and a requirement for site plan approval is all the boundaries be shown on the drawing. Since the application is close to final site plan approval, Planner M. Witmer said he would put more confidence in the boundaries shown in the site plan drawing.

Chair R. Funnell asked staff to comment if they feel the application should still be recommended for deferral. Planner M. Witmer replied that they are aware that discussions are on-going including the possibility that additional property downtown may be acquired by the property owner to provide additional off-street parking on private property; however, those discussions are not well enough advanced at this point for staff to be comfortable enough to recommend approval or denial so staff would like the opportunity to collect more information. He also indicated that another concern staff had is that the Central Business District zone has a number of permitted uses and the applicant has chosen what they consider to be the best case scenario. Planner M. Witmer said that there are other uses that have a high likelihood of locating on the property that have a high parking demand such as a take-out restaurant or a practitioner and those uses were not factored into the applicant's parking analysis. Planner M. Witmer stated that staff are concerned with the ultimate planned uses for the property and this

created some uncertainty for Planning staff which factored into the recommendation for deferral.

Chair R. Funnell asked the applicant if all the proposed parking is on the subject property, as it was mentioned previously that there were three off-site parking spaces proposed. Ms. K. Walkey clarified that yes there are three parking spaces to be located off of Surrey Street. Chair R. Funnell asked if these three parking spaces are going to be located on property owned by the same owner as the subject property. Ms. K. Walkey replied that the property proposed for the three parking spaces is owned the City but will be maintained by the developer.

Committee member L. McNair asked if parking spaces 9, 10, and 11 with the accessible parking symbol are going to be off-site. Ms. K. Walkey replied that those spaces are off-site. Committee member L. McNair asked if these parking spaces are part of the 18 off-street parking spaces. Ms. K. Walkey replied that these three parking spaces are above and beyond the parking requirement of 202 required parking spaces. Committee member L. McNair asked for clarification if the 202 parking spaces are underground and the three parking spaces are in addition to that number. Ms. K. Walkey replied that this is correct. Committee member L. McNair asked if the applicant has 205 parking spaces. Ms. K. Walkey clarified that they have use of 205 parking spaces. Committee member L. McNair asked if the City is prepared to sign a long-term lease for the three parking spaces. Ms. K. Walkey replied that the applicant is in the process of obtaining a long-term maintenance agreement

Committee member L. McNair stated that the application indicates that the applicant is requesting to reduce the parking spaces for the public to use for the commercial uses from eighteen to fourteen. Ms. K. Walkey clarified that that it will be a reduction from eighteen down to four. Committee member L. McNair asked the applicant to confirm if the proposal is to have the four on-site parking spaces and the three off-site parking spaces for the commercial uses. Ms. K. Walkey replied yes as well as use of the City parking lot abutting the property. Committee member L. McNair asked if the City parking shown on the site plan identified as existing municipal parking lot is open for the public to use. Planner M. Witmer replied that he is unsure of the details for this parking lot.

Corporate Manager of Downtown Renewal I. Panabaker clarified that the particular parking lot is a 100% permit system during the daytime for parking for the Cooperators business, but is open for evening and weekend use by the public. Committee member L. McNair asked the applicant if she is aware of another municipal parking lot nearby that clients of the commercial spaces could use. Ms. K. Walkey replied that there is the municipal parkade on Macdonell Street that is used for the River Run Centre and Sleeman Centre.

Manager of Development Planning S. Kirkwood clarified that staff are willing to request a deferral for one month to provide time to work with the applicant, Downtown Renewal staff, and Planning staff to ensure staff feel comfortable with the request and understanding how the commercial uses will remain viable without the parking being assigned.

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 K. Ash,

“THAT Application A-122/14 for 150 Wellington Street East, be deferred for two months, to allow the applicant to provide further information, and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

**Application:** A-117/14  
**Owner:** Jim and Judy Harrison  
**Agent:** N/A  
**Location:** 108 Rickson Avenue  
**In Attendance:** Jim Harrison  
Judy Harrison

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. J. Harrison replied that the sign was posted and comments were received.

Mr. J. Harrison explained the reasoning behind his application which was the result of a drainage issue which flooded his finished basement in February 2014. He said that in May 2014 he met with Zoning staff to discuss parking requirements for his accessory apartment application and Mr. B. Aubrey recommended that a 0.5 metre landscaped strip be left between the driveway and neighbour's driveway for drainage purposes. Mr. J. Harrison explained that his neighbour's house was constructed four years after his and the driveway was installed with no setbacks from the property line. Mr. J. Harrison indicated that he wanted to follow City staff's advice, but his paving contractor Aliston Paving suggested it would be more trouble aesthetically and practically to leave the 0.5 metre strip. He indicated that Engineering staff had met with him on-site in October 2014 on a rainy day and confirmed that there was sufficient drainage runoff. He said he was disappointed and surprised to see that Engineering staff is recommending denial of the application. He said he felt he was taking logical advice from the paving company.

Mr. J. Harrison provided the Secretary-Treasurer with a copy of the recommendation letter from Aliston Paving. Mr. J. Harrison read the letter which outlined the recommendation to pave directly to the neighbour's property at 110 Kortright Road West to ensure drainage on the subject property and to maintain the integrity of both driveways. He showed photos of the driveway on the overhead projector.

Mr. J. Harrison indicated that his neighbour was not able to make the meeting due to illness and agrees with leaving the driveway as is.

Chair R. Funnell asked staff if the presentation by the applicant has altered their thinking on this application. Planner L. Sulatycki replied no and indicated that Planning and Engineering staff met with the applicant at the end of October 2014 and indicated that there would be no staff support of this variance application.

Committee member L. McNair noted that this is a strange situation as part of the neighbour's driveway encroaches on the subject property and asked staff if the City has recommended that the neighbour cut back his driveway by 0.5 metres as well. Planner L. Sulatycki replied that this was brought up at their meeting with the applicant and it was determined by Zoning staff that the neighbour having no landscape strip is actually a legal non-complying situation. She indicated that Zoning staff reviewed the air photos over the years and it was discovered that the landscape strip did not exist prior to this requirement coming into effect.

Committee member K. Ash noted in the staff comments that staff had told the applicant about the 0.5 metre landscape strip requirement prior to the driveway installation and she is concerned that the applicant was aware of the situation and went ahead anyway. She also indicated that the staff comments indicate that there is a drainage swale required in this location on the property which is part of the subdivision agreement registered on title and it is also within the restrictive covenants which are registered on title so the applicant would have been aware of this at the time of purchasing the property. She stated she is concerned about potential drainage issues.

Mr. J. Harrison replied that he was not aware of the zoning issues until later on in the process, but did indicate that he was aware of the landscape strip requirement; however, he stated that the neighbour's driveway already encroached onto his property and he felt that it was enhancing both properties rather than purposely defying the City's rules. He stated that he feels it is more aesthetically pleasing to leave the driveway as it is now. Mr. J. Harrison stated that there is drainage swale as part of the Hart Farm in behind his property which is creating problems for his neighbour. He indicated that if that swale was taken care of, they would not have any drainage issues.

Committee member L. McNair stated that the owner is required to maintain the drainage swale and does not understand how the neighbour's driveway can be legal non-conforming when it does not abide by the restrictive covenants. Committee member L. McNair stated that the Committee has previously had situations where they have approved a slightly narrower



landscaped strip and wondered if some grading or something of a similar nature could help this situation. He suggested that perhaps a deferral might be needed so other options could be explored first.

Chair R. Funnell reiterated that Committee member L. McNair has recommended deferral of the application and perhaps this would provide time for staff and the applicant to agree on an alternative option. Mr. J. Harrison stated that he is unsure what other options can be pursued as the grading has already been setup properly to address drainage and the only other option is to remove part of the driveway and replace with grass which he feels is more a detriment to the streetscape and could potentially jeopardize the integrity of both driveways.

Committee member K. Ash made a recommendation to refuse the application based on drainage issues as having landscaping on the side of the property allows for infiltration without having surface runoff.

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 K. Ash 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 Table 5.1.2 Row 12 and Section 4.13.7.2.1 iii) of Zoning By-law (1995)-14864, as amended, to permit:

- a) a landscaped open space of 0 metres, when the By-law requires that a minimum area of 0.5 metres (1.64 feet) between the driveway and the nearest lot line must be maintained as landscaped open space; and
- b) a residential driveway width of 6.2 metres (20.3 feet), when the By-law requires that a residential driveway in the R.1C zone shall have a maximum width of 6 metres (19.69 feet),

be refused, for the following reasons:

1. The requested variances are not minor in nature due to the impact to drainage; and
2. The requested variances do not conform to the general intent of the Zoning By-law due to the impact to drainage.”

Carried

Committee member J. Hillen arrived and stated he had a pecuniary interest for File A-119/14 which involves a former client of his.

**Application:**            **A-118/14**

**Owner:**                **John and Jolene Reynen**

**Agent:**                 **N/A**

**Location:**            **14 Walnut Drive**

**In Attendance:**       **John Reynen**  
                              **Jolene Reynen**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. J. Reynen replied that the sign was posted and comments were received.

Ms. J. Reynen stated she has talked to both neighbours impacted by the shed and a contractor to see if the shed can be altered and the roof adjusted so new gutters can be installed. She stated that she has letters from both neighbours in support of the application and a petition in support of the application from other neighbours and copies were provided to the Secretary-Treasurer.

Ms. J. Reynen said the shed was originally built in 1997 and renovated six years ago and was placed in that specific location due to the hydro lines. She indicated that the shed holds the pool pump and heater and to move the whole shed would require the hydro lines to be relocated at a cost of approximate \$30,000. Instead of relocation she would like to alter the shed so the rain water drains into their backyard rather than the neighbour's. Ms. J. Reynen said they have arranged for a contractor to do the work if the City allows this variance. She indicated that none of the neighbours indicated they have had problems with water drainage. She showed a photo of the property on the overhead projector which shows the water draining towards the street. Mr. J. Reynen indicated that they are proposing to change the plane of the roof and indicated that the surveyor did another survey to show that only the corner of the shed encroaches onto the neighbour's property.

Chair R. Funnell asked if the survey was completed recently. Mr. J. Reynen indicated that it was completed this week. Chair R. Funnell asked if the City has a copy of the revised survey. Ms. J. Reynen replied that the City has a copy of the original survey, but not the revised one. She indicated that she had the surveyor redo the plan as not all the measurements were taken. Mr. J. Reynen indicated that they thought a building permit was obtained for the shed when it was constructed, however, this was not the case as they were not informed of this when they purchased the property.

Chair R. Funnell asked that the applicant ensures the City receives a copy of the updated survey.

Committee member L. McNair asked if the shed could be relocated further to the back and right of the property. Mr. J. Reynen replied that due to large trees in the backyard, the whole shed would need to be relocated. Mr. J. Reynen indicated that they have obtained three quotes for a complete tear down and reconstruction and will provide copies if needed. Chair R. Funnell indicated that copies are not necessary.

Committee member K. Ash asked how large the shed is. Mr. J. Reynen replied that it is 26 feet in length and the width is 7.5 feet. Committee member K. Ash indicated that she asked this question as the staff comments indicate that a building permit is needed if the structure is to remain. Mr. J. Reynen said that they are willing to apply for a building permit.

Committee member L. McNair said that one of the reasons for the side yard setback requirement is for drainage and maintenance. He said he is unsure if this can be done with the shed in the current location, without going onto the neighbour's property. Mr. J. Reynen replied that it can be maintained except for the one corner and he indicated that maintenance can be done from the inside or the top.

Committee member L. McNair asked if the shed, both the original part and the addition, is on a concrete pad. Mr. J. Reynen replied yes.

Committee member K. Ash indicated that if the application is approved, she would like to see a condition that a building permit be obtained within one year of the Committee's decision as the structure is already built and needs a timeline on it. Chair R. Funnell asked if she would like a tighter timeline and suggested six months. Committee member K. Ash indicated that this is acceptable.

Committee member L. McNair said the setback shown on the survey shows 0.03 metres and requested that a condition be included that ensures that the side yard setback is no less than 0.03 metres.

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 K. Ash and seconded by J. Hillen,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.5.1.2 of Zoning

By-law (1995)-14864, as amended, for 14 Walnut Drive, to permit the existing accessory building to be situated 0 metres from the left lot line, when the By-law the requires that accessory buildings shall not be located within 0.6 metres (1.97 feet) from any lot line, be approved, subject to the following conditions:

1. That the owner obtains a building permit within six (6) months of the Committee's decision; and
2. That the distance of the accessory structure from the left side yard line be no less than 0.03 metres."

Carried

Committee member B. Birdsell arrived at 4:28 p.m. and stated that he had no pecuniary interests.

Committee member J. Hillen left the room at 4:31 p.m.

**Application:** A-119/14  
**Owner:** MRL Development Inc.  
**Agent:** Tony Matteis  
**Location:** 1467 Gordon Street  
**In Attendance:** Tony Matteis

Secretary-Treasurer T. Russell advised that a package of information has been provided by the applicant. Copies of this package were provided to the Committee members.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. T. Matteis replied that the sign was posted and comments were received.

Mr. T. Matteis said he recently purchased the property and there is an obligation in one of the leases to allow the current practitioner to have a second practitioner in order to meet demand.

Committee member L. McNair said a bit of the concern to him is that seven of the parking spaces are required by non-clients and fewer spaces for the office staff or the clients may be more palatable. He indicated that only four parking spaces are designated for two practitioners could be very limiting. Mr. T. Matteis said that parking lot is full only 65 to 70 percent of the time and a number of the tenants do not have regular visitors and there is an abundance of

empty parking spaces from time to time. Mr. T. Matteis said that he included photos of the parking lot in the package to show the availability of parking spaces. He said the only time parking is limited is in the morning due to the coffee shop, but by 9 a.m. it has already tapered off.

Committee member L. McNair asked if eleven parking spaces are allocated to Unit 6 specifically and if there are other general parking spaces or if they are all allocated. Mr. T. Matteis replied that the only allocated spaces are the accessible spaces and the space for the courier; otherwise, everyone parks in common. Committee member L. McNair stated that the staff comments reference allocated parking. Mr. T. Matteis replied that this was part of the previous variance application and he requests that the previous variance be null and void as it is no longer needed.

Planner L. Sulatycki noted that the sketch submitted with the application and circulated with the public meeting notice clearly shows the parking spaces being allocated to Units 1 to 6. She stated that variance request is for a total of eleven parking spaces to be shared amongst the two medical practitioners, so if that is not the case, then the application was not presented accurately in regards to the parking variance request. She stated that in regards to the accessible spaces, the drawing shows the accessible spaces as only being included for Unit 6, so if there is a different functioning of the site that was not made on the application, it should be noted. Chair R. Funnell asked the applicant if he had any comments to the Planner's remarks. Mr. T. Matteis replied no.

Mr. B. Birdsell stated he has visited the property and there are no signs designated certain parking spaces for specific units and the times he has been there the parking lot has been one third empty.

Committee member K. Ash stated that she believes the site is not designed for medical offices and she agrees with staff that is not appropriate to have two medical practitioners. She stated that she does not believe the intent of the Zoning By-law is to intensify this site by having medical uses. She stated that she does not feel the request is desirable and she will not be supporting approval of 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 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 Sections 6.1.3.25.1, 6.1.1, 4.13.4.2 of Zoning By-law (1995)-14864, as amended, for 1467 Gordon Street, to permit:

- a) two (2) practitioners within a 144 square metre (1,550 square foot) floor area on the second floor of the building, when the By-law does not permit a medical office in the C.1-25 zone; and
- b) a total of eleven (11) off-street parking spaces to be shared amongst the two (2) medical office practitioners, when the By-law requires a minimum of seven (7) off-street parking spaces are required per practitioner for a medical office,

be approved.”

Carried

Committee member J. Hillen returned to the room at 4:42 p.m.

**Application:** A-120/14  
**Owner:** Jamie Mitges Holdings Limited  
**Agent:** Tim Conley, 2266008 Ontario Inc.  
**Location:** 620 Scottsdale Drive  
**In Attendance:** Tim Conley  
Francine Doré

Secretary-Treasurer T. Russell noted that there was an address error in the staff comments for this file. The location should be referenced as 620 Scottsdale Drive, not 1467 Gordon Street.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. T. Conley replied that the signs were posted and comments were received.

Mr. T. Conley referenced staff comments were recommending that the practitioners be limited to physical therapy only. He explained while it is the intent to operate a physical therapy clinic, physical therapy involves a variety of services such as massage therapy, osteopathy, pedorthics under the banner of physical therapy, and this seems somewhat restrictive.

Committee member K. Ash asked for clarification about how many parking spaces are needed for a practitioner versus a medical clinic. Planner M. Witmer replied that there is a difference between a medical office and a medical clinic and each has its own parking ratio. He stated that a medical office is limited to two or fewer practitioners and a medical clinic is greater than three practitioners. He stated that six parking spaces are needed for a medical clinic per practitioner.

Committee member K. Ash if this site permits a medical clinic in the site-specific zoning. Planner M. Witmer replied that the parent Service Commercial zone permits a medical clinic, but not the site-specific zoning. Committee member K. Ash asked for clarification about what uses are permitted under the site-specific zoning. Mr. T. Conley replied that the only three permitted uses are a restaurant, take-out restaurant, and office. Planner M. Witmer added that there is also a site-specific use for a party supply store. Committee member K. Ash stated that the site is very limited in the uses permitted and commented that she has concerns with the entire site being used for medical purposes as the Official Plan references small-scale offices and she does not believe this classifies as a small-scale office use. She noted that there is a large overturn in parking associated with medical offices and she is concerned about the traffic impact to Scottsdale Drive as there a lot of medical uses in the area. She stated that she believes that a rezoning is required.

Committee member L. McNair stated he was confused between the two definitions of a medical office and medical clinic as Planning Services' conditions reference a medical office. Planner M. Witmer acknowledged that there was a mix-up in the definition and the medical office is the smaller of the two uses with two or fewer practitioners and a medical clinic has three or more practitioners.

Chair R. Funnell asked if anyone present wanted to speak. No one came forward.

Committee member K. Ash stated that she does not feel this application meets the intent of the Zoning By-law, is not appropriate for the development of the lands, and is not minor in nature. She stated that she believes that the rezoning application is the appropriate process should the applicant wish to pursue permitting medical uses.

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 K. Ash 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 Section 6.4.3.1.32.1 of Zoning By-law (1995)-14864, as amended, for 620 Scottsdale Drive, to permit a medical clinic to operate at this location, when the By-law does not permit a medical clinic as a permitted use,

be refused, for the following reasons:

1. The requested variance is not minor in nature, based on the proposed use as a medical clinic;

2. The requested variance is not desirable for the appropriate development of the lands, based on the proposed use as a medical clinic; and
3. The requested variance does not conform to the general intent of the Zoning By-law, based on the proposed use as a medical clinic.”

Carried

**Application:** A-121/14

**Owner:** Paul Adam

**Agent:** N/A

**Location:** 96 Oliver Street

**In Attendance:** Paul Adam  
Dy Maass  
Andrew Mulder

Secretary-Treasurer T. Russell advised that correspondence had been received from B. Polley with concerns regarding this application. A copy of the email correspondence was provided to the Committee members.

Secretary-Treasurer T. Russell advised that correspondence had been received from D. Worrall, F. Vadala, and S. Hellewell with support for this application. Copies of the correspondence were provided to the Committee members.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. P. Adam replied that the sign was posted and comments were received.

Mr. P. Adam said he received copies of the correspondence in opposition to the application and said that the comments are more of a personal nature in regards to him being a landlord rather than the variance requested. He asked if the Committee had a received a copy of the most recent comments sent in by Ms. S. Hellewell. Secretary-Treasurer T. Russell replied that the correspondence was received and circulated to the members.

The Committee members had no questions for the applicant. No one else spoke in regards to this application.

Committee member K. Ash left the room at 4:52 p.m.



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, variances from the requirements of able 5.1.2 Row 7, and Table 4.7 Row 3 of Zoning By-law (1995)-14864, as amended, for 96 Oliver Street, to permit:

- a) the second storey extension to be situated 0.457 metres (1.5 feet) from the left lot line, when the By-law requires that the minimum side yard shall be 1.5 metres (4.92 feet); and
- b) the open, roofed porch on the ground floor to be situated 0.43 metres (1.41 feet) from the left lot line, when the By-law requires that the minimum side yard setback for an open, roofed porch not exceeding 1 storey in height shall be 0.6 metres (1.97 feet),

be approved, subject to the following conditions:

- 1. That the porch not be enclosed; and,
- 2. That the reduced setbacks apply to only the portion of the second storey extension and open, roofed porch generally in accordance with the Public Notice.”

Carried

**Application:** A-123/14  
**Owner:** Dave Kelly  
**Agent:** N/A  
**Location:** 78 Kathleen Street  
**In Attendance:** Dave Kelly

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. D. Kelly replied that the sign was posted and comments were received.

Mr. D. Kelly stated that when he submitted the building permit application he showed the side yard setback as 0.9 metres and was notified that the setback needed to be 1.2 metres. He said that he resubmitted his application and City staff notified him that they made a mistake and the side yard setback needs to be 1.5 metres from the property line. He asked if it was possible to get a reimbursement for the fees for the extra expenses that were incurred. Chair R. Funnell asked for clarification from staff. Planner M. Witmer indicated that the process the applicant is referring to is the building permit process which is handled by Building Services staff not Planning staff. He said he is aware there was some confusion but he does not know any details to comment on the matter. Chair R. Funnell asked the Secretary-Treasurer if she was aware of what transpired. Secretary-Treasurer T. Russell replied no. Chair R. Funnell explained to the applicant that staff present are unaware of the situation and cannot help on this matter. Mr. D. Kelly replied that this was fair.

Committee member K. Ash returned to the room at 4:56 p.m.

The Committee had no questions for the applicant nor 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 L. McNair and seconded by J. Hillen,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 78 Kathleen Street, to permit the second storey extension to be situated 1.2 metres (3.94 feet) from the right lot line, when the By-law requires that the minimum side yard be 1.5 metres (4.92 feet), be approved.”

Carried

Committee member L. McNair stated that the applicant might be encouraged to submit his request for some compensation in writing to the Secretary-Treasurer and the Committee could deal with it at a future meeting.

**Application:** A-124/14

**Owner:** Leo Barei and Glynis Logue

**Agent:** N/A

**Location:** 187-191 Paisley Street

**In Attendance:** Leo Barei  
Glynis Logue

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. G. Logue replied that the sign was posted and comments were received.

Ms. G. Logue said it has been a lengthy process so far and appreciated the assistance received from staff. She stated that they are new owners and the neighbours have encouraged them to proceed with their application and she said they are pretty excited with the proposed plans.

Committee member L. McNair stated in reference to the recommended condition 2 from Engineering Services that he does not believe that there is anything encroaching onto Paisley Street road allowance based on the submitted drawings. He stated that he believes this will be covered in the site plan agreement with the City, but he wanted to note this. Planner M. Witmer said site plan approval is needed and part of the process will require a more formal drawing that is based off of a survey and be more accurate.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

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

“THAT in the matter of an application under Section 45(2)(a)(i) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to extend the legal non-conforming use at 187-191 Paisley Street, to allow the existing building to have three residential units with no commercial unit, and to recognize the existing four (4) off-street parking spaces, and

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 187-191 Paisley Street, to permit off-street parking within 5 metres (16.4 feet) of a street line, when the By-law requires that in a R.1B zone, every required parking space shall be located a minimum distance of 6 metres (19.69 feet) from the street line,

be approved, subject to the following conditions:

1. That the owner pays the actual cost of the removal of the existing gravel paving, concrete and asphalt pavement within the road allowance, the restoration of the boulevard with topsoil and sod including the required curb fill, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
2. That prior to the issuance of a building permit, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of the main building, building sign, air conditioner, concrete steps, roof eaves, and associated peripherals that encroach on the Paisley Street and Arnold Street road allowance.
3. That the property owner submit a site plan under Section 41 of the Planning Act that outlines all exterior site modifications, including elevation drawings and façade changes to the existing building, to the satisfaction and approval of the General Manager of Planning Services, prior to building permit issuance.
4. Prior to building permit issuance, the property owner make satisfactory arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. to have the existing guy wire and/or utility pole on the subject property relocated, and that any works associated with this be at the property owner's sole expense."

Carried

The meeting was adjourned by B. Birdsell at 5:01 p.m. Chair R. Funnell wished staff and Committee members best wishes for the holiday season.

R. Funnell  
Chair

T. Russell  
Secretary-Treasurer