



COMMITTEE OF ADJUSTMENT MINUTES

The Committee of Adjustment for the City of Guelph held its Regular Hearing on Thursday December 13, 2018 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

B. Birdsell, Chair
L. Janis
D. Kendrick
P. Ross

Regrets: K. Ash, Vice Chair
S. Dykstra
D. Gundrum

Staff Present: S. Daniel, Engineering Technologist
T. Di Lullo, Secretary-Treasurer
P. Sheehy, Program Manager - Zoning
M. Singh, Council Committee Assistant
L. Sulatycki, Planner
A. Watts, Planner
M. Witmer, Planner

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by D. Kendrick
Seconded by P. Ross

THAT the Minutes from the November 8, 2018 Regular Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Requests for Withdrawal or Deferral

There were no requests.

Current Applications

Application: B-2/18 and B-3/18

Owner: Charleston Homes Ltd. and Scattered Lotco Inc.

Agent: Jamie Laws, Van Harten Surveying Inc.

Location: 64 Queen Street

In Attendance: Jamie Laws
Jeff Buisman
Stacey McFadzen
Bill Green
Frank Cicogna
Robert Maier

Secretary-Treasurer T. Di Lullo noted that additional conditions from Parks Planning staff and the Upper Grand District School Board were recommended. These conditions include a requirement for payment in lieu of conveyance of parkland and payment of education development charges. A copy of the revised conditions were circulated to the Committee members.

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. J. Buisman, agent, responded that the sign was posted and comments were received.

Mr. J. Buisman showed a Powerpoint presentation outlining the application and neighbourhood lot configuration.

Mr. M. Vaughan, Engineer, from Van Harten Surveying Inc. outlined the engineering design.

In response to a question from member D. Kendrick, Engineering Technologist S. Daniel replied that he had concerns about the timelines of the applications as stormwater management issues have not been addressed, and due to the time of year, testing cannot be completed at this time. He also indicated that approval is needed from the Ministry of Environment for an Environmental Compliance Approval. He indicated that there is a lot of work to be done and he was concerned if the work can be completed within one year if the applications are approved.

Mr. J. Buisman indicated that the applications were back for consideration as the one year period for deferral was approaching. He indicated that it was hoped that the engineering testing could be completed in the next month or two and wants any site plan issues completed before the application is sent to the Ministry. He indicated that he was aware of the possibility that if the applications are approved, the conditions may not be met within the one year time period.

Member D. Kendrick suggested that the applicant may want to defer the applications. In response to a question from member D. Kendrick, Secretary-Treasurer T. Di Lullo indicated that the applications can be deferred again for a period up to one year.

Mr. J. Buisman requested that the applications be deferred sine die. Engineering S. Daniel agreed with the deferral recommendation so the engineering issues can be addressed.

Chair B. Birdsell indicated to those present that if the applications are deferred the opportunity to speak to the applications will be provided at a future hearing when the applications are reconsidered.

Applications B-2/18 and B-3/18

Moved by D. Kendrick
Seconded by P. Ross

THAT Applications B-2/18 and B-3/18 for 64 Queen Street, be **DEFERRED** sinedie, 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 fee be paid prior to reconsideration of the applications.

REASONS:

This application is deferred at the request of the agent to allow additional time to address engineering issues.

CARRIED

Application: A-78/18
Owner: 966129 Ontario Inc.
Agent: N/A
Location: 55 Dublin Street South
In Attendance: Gerard Haley

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. G. Haley, owner, responded that the sign was posted and comments were received.

Mr. G. Haley briefly explained the application.

The Committee had no questions for the owner.

No members of the public spoke.

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. Janis
Seconded by P. Ross

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 Table 4.7 Row 3 and Section 4.6.1 (i) of Zoning By-law (1995)-14864, as amended, for 55 Dublin Street South,

- a) to permit a 0 metre front yard setback for the proposed covered porch, when the By-law requires that an open, roofed porch not exceeding 1 storey in height be setback a minimum of 2 metres from the front lot line; and
- b) to permit part of the proposed dwelling to be located within the sight line triangle, when the By-law requires that on a corner lot in any zone, within the sight line triangle formed by joining the point of intersection to points on each street line, measured 9 metres from that point of intersection, no building, structure, play equipment, statue or parked motor vehicle shall be located,

be **APPROVED**, subject to the following condition:

1. That the replacement dwelling be located in general accordance with the Public Notice sketch.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted condition of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

Application: **A-85/18**
Owner: **Paul and Diane Drone**
Agent: **N/A**
Location: **41 Pondview Crescent**
In Attendance: **Paul Drone**

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. P. Drone, owner, responded that the sign was posted and comments were received.

Mr. P. Drone briefly explained the history of the application.

The Committee had no questions for the owner.

No members of the public spoke.

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 P. Ross
Seconded by L. Janis

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 of Zoning By-law (1995)-14864, as amended, for 41 Pondview Crescent, to permit the existing accessory structure in the exterior side yard with a setback of 0.6 metres, when the By-law requires that an accessory structure may occupy a yard other than a front yard or required exterior side yard on a lot, be **APPROVED**, subject to the following condition:

1. That the existing fence, which screens the shed, shall be maintained.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted condition of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

Application: A-86/18
Owner: Julie Williams and John Flemming
Agent: Kevin Crozier, Crozier Designs Inc.
Location: 154 Kathleen Street
In Attendance: Kevin Crozier

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. K. Crozier, agent, responded that the sign was posted and comments were received.

The Committee had no questions for the agent.

No members of the public spoke.

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

Moved by D. Kendrick
Seconded by P. Ross

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 8 and Section 5.1.2.7 (i) of Zoning By-law (1995)-14864, as amended, for 154 Kathleen Street,

- a) to permit a rear yard setback of 1.5 metres for the proposed addition, when the By-law requires a rear yard setback of 7.5 metres or 20% of the lot depth (being 5.8 metres), whichever is less; and
- b) to permit the off-street parking space within the garage to be 4.8 metres from the exterior side lot line, when the By-law requires that the minimum front yard or exterior side yard shall be 6 metres or the average of the setbacks of the adjacent properties, and where the off-street parking space is located within garage or carport, the setback for the garage or carport shall be a minimum of 6 metres from the street line,

be **APPROVED**, subject to the following conditions:

1. That the addition be located in general accordance with the Public Notice sketch.
2. That prior to the issuance of a building permit, the applicant make arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the possible relocation of the existing overhead hydro service. This would be at the applicant's expense.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

Application: A-87/18

Owner: Thom Connolly

Agent: N/A

Location: 2 Primrose Lane

In Attendance: Thom Connolly

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. T. Connolly, owner, responded that the sign was posted and comments were received.

The Committee had no questions for the owner.

No members of the public spoke.

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. Janis

Seconded by P. Ross

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 4.20.9, 4.20.10.1, and 4.20.10.2 of Zoning By-law (1995)-14864, as amended, for 2 Primrose Lane,

- a) to permit a fence 1.5 metres in height in the front yard (along Primrose Lane), when the By-law requires that within any residential zone any fence located in the front yard shall not exceed 0.8 metres in height; and
- b) to permit a fence 2.5 metres in height along the property line in the exterior side yard (along Westwood Road), when the By-law requires that within any residential zone any fence located in the exterior side yard shall not exceed 2.5 metres in height from the midpoint of the main building to the rear property line, and not within 4 metres of a street line, and not exceed 1.9 metres in height from the midpoint of the main building to the rear property line and up to 0 metres from the street line,

be **APPROVED**, subject to the following condition:

1. That the variances shall only apply to the fences as shown and in general accordance with the location shown in the Public Notice Sketch.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted condition of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related

to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

Application: **A-88/18**
Owner: **Joseph and Helen Gombita**
Agent: **Jeff Buisman, Van Harten Surveying Inc.**
Location: **97-101 Farquhar Street**
In Attendance: **Jeff Buisman**

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. J. Buisman, agent, responded that the sign was posted and comments were received.

Mr. J. Buisman showed the minor variance sketch and explained the application purpose and history. He showed photos of the property that were included in the cover letter submitted with the application.

The Committee had no questions for the agent.

No members of the public spoke.

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. Janis
Seconded by P. Ross

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 4.13.4.3.1, 4.13.2.3 and 4.13.1 of Zoning By-law (1995)-14864, as amended, for 97-101 Farquhar Street,

- a) to permit a total of 13 on-street parking spaces, when the By-law requires 1 off-street parking space per unit (total of 19 off-street parking spaces required),
- b) to permit on-street parking spaces to be located within 0 metres to the street line, when the By-law requires that no part of an off-street parking space be located closer than 3 metres to any street line; and
- c) to permit 0 off-street parking spaces to be located on the subject property, when the By-law requires that every off-street parking area shall be located on the same lot as the use requiring the parking,

AND

variances from the requirements of Sections 6.3.2.5.1 and 6.3.2.5.2.1.1 of Downtown Zoning By-law (2017)-20187, for 97-101 Farquhar Street,

- a) to permit a total of 13 on-street parking spaces, when the By-law requires 1 off-street parking space per unit (total of 19 off-street parking spaces required); and
- b) to permit on-street parking spaces in the front yard and to be 0 metres to the street line, when the By-law requires that off-street parking spaces not be permitted in the front yard and no closer than 3 metres to a street line,

be **APPROVED**, subject to the following condition:

1. That the property owner continuously maintain and uphold a parking agreement and permit system for the 13 on-street parking spaces on Farquhar Street and Fountain Street, as shown on and in general accordance with the Public Notice Sketch and to the satisfaction of the General Manager of Planning and Building Services.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted condition of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

Application: **B-21/18**
Owner: **21232274 Ontario Inc.**
Agent: **Jeff Buisman, Van Harten Surveying Inc.**
Location: **99 Grange Street**
In Attendance: **Jeff Buisman**

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. J. Buisman, agent, responded that the sign was posted and comments were received.

Mr. J. Buisman showed the severance sketch and explained the application.

The Committee had no questions for the agent.

No members of the public spoke.

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 D. Kendrick
Seconded by P. Ross

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 the rear of Part Lot 10, Registered Plan 298, currently known as 99 Grange Street, a parcel with an area of 142 square metres, as a lot addition to 101 Grange Street (Registered Plan 298, Part Lots 8 to 10, Parts 1 and 4 of Reference Plan 61R-20371), substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated November 12, 2018, project number 25712-18, be **APPROVED**, subject to the following conditions:

1. 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 issuance of the Certificate of Official.
2. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
3. That prior to the issuance of the Certificate of Official, 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 deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).
4. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official. The Transfer documents for the severed parcel shall contain a statement to ensure that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or transaction with respect to the land described herein; and a statement that the severed parcel and the abutting lands to which this severed parcel is to be added shall be dealt with contemporaneously in any future conveyances or transactions unless further consent is granted under the Planning Act or other lawful order.
5. That the Owner shall consolidate the severed parcel with the abutting lands to which the severed parcel is to be added as a single parcel ("the consolidation") and that the Owner's solicitor shall provide a firm undertaking in writing to the

Secretary-Treasurer of the Committee of Adjustment for the City of Guelph that the solicitor will attend to the consolidation and will provide within 30 days of the date of registration in the Land Registry Office for Wellington (No. 61), or prior to the issuance of a building permit [if applicable], whichever occurs first, a copy of the registered electronic Transfer document including the Certificate of Official and the registered application Consolidation Parcels document.

6. That the Transferee take title of the severed lands in the same manner and capacity as he or she holds his or her abutting lands; and that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or any transaction involving the parcel of land that is subject of this consent.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets the criteria of section 51(24) of the Planning Act to which all consent applications must adhere.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

Application: **A-89/18**
Owner: **Chris Ahlers and Tammy Ratcliff**
Agent: **N/A**
Location: **115 Dufferin Street**
In Attendance: **Chris Ahlers**

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. C. Ahlers, owner, responded that the sign was posted and comments were received.

In response to a question from member D. Kendrick, Mr. C. Ahlers responded that the purpose of the structure is for a personal workshop for himself and his wife to use as they are artists.

In response to a question from member L. Janis, Program Manager of Zoning P. Sheehy responded that the proposed construction will be subject to a building permit and will be inspected accordingly. He indicated that there were no concerns with the proposal for personal workspace, and any complaints received would be subject to enforcement.

No members of the public spoke.

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. Janis
Seconded by P. Ross

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for 115 Dufferin Street, to permit a height of 5.9 metres for the accessory building (workshop), when the By-law requires that an accessory building in a residential zone shall not exceed 3.6 metres in height, be **APPROVED**, subject to the following conditions:

1. That the gross floor area of the accessory building be in general accordance with the Public Notice Sketch.
2. That the accessory structure is not to be used for human habitation, any type of business or home occupation.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

Application: B-22/18 and B-23/18
Owner: 1708467 Ontario Limited
Agent: Jeff Buisman, Van Harten Surveying Inc.
Location: 314 and 310 Edinburgh Road North
In Attendance: Jeff Buisman

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. J. Buisman, agent, responded that the sign was posted and comments were received.

Mr. J. Buisman showed the severance sketch and explained the applications.

The Committee had no questions for the agent.

No members of the public spoke.

Application B-22/18

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 D. Kendrick

Seconded by P. Ross

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 10, Division A, currently known 314 Edinburgh Road North, a parcel with an area of 74 square metres, as a lot addition to the rear of 310 Edinburgh Road North (Part Lot 10, Division A), as well as consent for the creation of a 74 square metre easement for a water line in favour of 314 Edinburgh Road North, substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated November 13, 2018, project number 23268-15, be **APPROVED**, subject to the following conditions:

1. That prior to issuance of the Certificate of Official, the owner provide a blanket easement for existing buried and building facilities to the satisfaction of Bell Canada.
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 issuance of the Certificate of Official.
3. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
4. That prior to the issuance of the Certificate of Official, 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 deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).
5. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official. The Transfer documents for the severed parcel shall contain a statement to ensure that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or transaction with respect to the land described herein; and a statement that the severed parcel and the abutting lands to which this

severed parcel is to be added shall be dealt with contemporaneously in any future conveyances or transactions unless further consent is granted under the Planning Act or other lawful order.

6. That the Owner shall consolidate the severed parcel with the abutting lands to which the severed parcel is to be added as a single parcel ("the consolidation") and that the Owner's solicitor shall provide a firm undertaking in writing to the Secretary-Treasurer of the Committee of Adjustment for the City of Guelph that the solicitor will attend to the consolidation and will provide within 30 days of the date of registration in the Land Registry Office for Wellington (No. 61), or prior to the issuance of a building permit [if applicable], whichever occurs first, a copy of the registered electronic Transfer document including the Certificate of Official and the registered application Consolidation Parcels document.
7. That the Transferee take title of the severed lands in the same manner and capacity as he or she holds his or her abutting lands; and that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or any transaction involving the parcel of land that is subject of this consent.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets the criteria of section 51(24) of the Planning Act to which all consent applications must adhere.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

Application B-23/18

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 D. Kendrick
Seconded by P. Ross

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 10, Division A, currently known 310 Edinburgh Road North, a parcel with an area of 231 square metres, as a lot addition to 314 Edinburgh Road North (Part Lot 10, Division A), as well as consent for the creation of a 30 square metre easement for a water line in favour of 314 Edinburgh Road North, substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated November 13, 2018, project number 23268-15, be **APPROVED**, subject to the following conditions:

1. That prior to issuance of the Certificate of Official, the owner provide a blanket easement for existing buried and building facilities to the satisfaction of Bell Canada.
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 issuance of the Certificate of Official.
3. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
4. That prior to the issuance of the Certificate of Official, 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 deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).
5. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official. The Transfer documents for the severed parcel shall contain a statement to ensure that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or transaction with respect to the land described herein; and a statement that the severed parcel and the abutting lands to which this severed parcel is to be added shall be dealt with contemporaneously in any future conveyances or transactions unless further consent is granted under the Planning Act or other lawful order.
6. That the Owner shall consolidate the severed parcel with the abutting lands to which the severed parcel is to be added as a single parcel ("the consolidation") and that the Owner's solicitor shall provide a firm undertaking in writing to the Secretary-Treasurer of the Committee of Adjustment for the City of Guelph that the solicitor will attend to the consolidation and will provide within 30 days of the date of registration in the Land Registry Office for Wellington (No. 61), or prior to the issuance of a building permit [if applicable], whichever occurs first, a copy of the registered electronic Transfer document including the Certificate of Official and the registered application Consolidation Parcels document.
7. That the Transferee take title of the severed lands in the same manner and capacity as he or she holds his or her abutting lands; and that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or any transaction involving the parcel of land that is subject of this consent.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets the criteria of section 51(24) of the Planning Act to which all consent applications must adhere.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

Application: **A-90/18**
Owner: **2244929 Ontario Ltd.**
Agent: **Sarah Code and Hugh Handy, GSP Group Inc.**
Location: **412 Laird Road**
In Attendance: **Sarah Code**
 Hugh Handy
 Jamie Russell
 Mark Roberts

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. H. Handy, agent, responded that the sign was posted and comments were received.

Mr. H. Handy explained the application.

The Committee had no questions for the agent.

No members of the public spoke.

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. Janis
Seconded by P. Ross

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 7.1.1.1 of Zoning By-law (1995)-14864, as amended, for 412 Laird Road, to permit an office as a standalone use, when the By-law permits an office as an accessory use, provided that it is subordinate, incidental and exclusively devoted to a permitted use, be **APPROVED**, subject to the following conditions:

1. That the Owner submits and receives approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of the building, building design, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the General Manager of Planning Services, and enter into a site plan control agreement registered on title, prior to the issuance of a building permit.
2. That prior to the issuance of a building permit, the applicant make arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the possible hydro relocation for the new building. This would be at the applicant's expense.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

Other Business

Refund Request for Minor Variance File A-41/18

Secretary-Treasurer T. Di Lullo noted a request was received from the owner of 728 Eramosa Road, Mr. D. Brix, on behalf of Terra View Custom Homes Ltd., to refund the deferral fee.

In response to a question from Chair B. Birdsell, Secretary-Treasurer T. Di Lullo noted that the purpose of the deferral fee is to cover costs associated with recirculating the application and an additional hearing. She indicated that it was staff's opinion that the deferral fee not be refunded.

Member D. Kendrick commented that in reviewing the application background he felt that the deferral fee was not warranted.

Moved by D. Kendrick
Seconded by P. Ross

THAT the deferral fee (\$248.00) for File A-41/18, for 728 Eramosa Road, be refunded to the applicant.

CARRIED

Refund Request for Minor Variance File A-75/18

Secretary-Treasurer T. Di Lullo noted a request was received from the owner of 181 King Street, Mr. M. Hall, to refund the second minor variance application fee. She provided background on the application history.

Moved by L. Janis
Seconded by D. Kendrick

THAT the second minor variance application fee (\$951.00) for File A-75/18, for 181 King Street, be refunded to the applicant.

CARRIED

Minor Variance Fee Waiver Request – 110 Ontario Street

Secretary-Treasurer T. Di Lullo noted a request was received from the owners of 110 Ontario Street, Ms. M. Blackwood and Ms. C. Cadogan, to waive the requirement for the minor variance application fee. She indicated that the Committee has the ability to reduce or waive fees when the Committee is satisfied that it would be unreasonable to require payment.

Ms. C. Cadogan, one of the owners of 110 Ontario Street, explained the purpose of the proposed minor variance application and the reasons for the waiver request.

Member D. Kendrick indicated that he did not support the request to waive the application fee due to the precedent it might set.

Moved by P. Ross
Seconded by L. Janis

THAT the minor variance application fee (\$794.00) be waived for a future minor variance application for 110 Ontario Street.

CARRIED

Secretary-Treasurer T. Di Lullo confirmed that an appeal was received regarding files A-80/18, A-81/18, and A-82/18 for 12 Knevitt Place, which was approved at the October 25, 2018 hearing. She also advised that the Local Planning Appeal Tribunal hearing for 92 Clough Crescent (file A-5/18) has been rescheduled to January 15, 2019.

Secretary-Treasurer T. Di Lullo advised the members that Guelph City Council at the December 10, 2018 Council meeting appointed Mr. Kody Meads and Mr. James Smith as new members of the Committee. She indicated that the two new members would be joining the Committee at the next hearing in January.

Secretary-Treasurer T. Di Lullo reminded the Committee that the Chair and Vice-Chair positions are elected annually and this election will take place at the next hearing on January 10, 2018 in the Marg MacKinnon Community Room.

Secretary-Treasurer T. Di Lullo thanked non-returning members P. Ross and Chair B. Birdsell for their dedication to the Committee and wished them well in their future endeavours. Chair B. Birdsell thanked the members and staff, and member P. Ross wished everyone well.

Adjournment

Moved by D. Kendrick
Seconded by L. Janis

THAT the hearing of the Committee of Adjustment be adjourned at 4:56 p.m.

CARRIED

B. Birdsell
Chair

T. Di Lullo
Secretary-Treasurer