



**COMMITTEE OF ADJUSTMENT
MINUTES**

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday February 11, 2016 at 4:00 p.m. in Room 112, City Hall, with the following members present:

B. Birdsell, Chair
K. Ash, Vice Chair
S. Dykstra
L. Janis
D. Kendrick
P. Ross

Regrets: M. Bosch

Staff Present: T. Donegani, Planner
L. Sulatycki, Planner
T. Di Lullo, Secretary-Treasurer
V. Sobering, Council Committee Assistant

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by D. Kendrick
Seconded by K. Ash

THAT the Minutes from the January 14, 2016 Regular Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Requests for Withdrawal or Deferral

Application: A-6/16
Owner: Toarms Properties Inc.
Agent: Astrid Clos, Astrid J. Clos Planning Consultants
Location: 230 Hanlon Creek Boulevard
In Attendance: Pete Graham

Mr. P. Graham asked for the application to be deferred so the applicant could consult with Planning staff.

Moved by D. Kendrick
Seconded by K. Ash

THAT Application A-6/16 for 230 Hanlon Creek Boulevard, be **DEFERRED** sine die, and in accordance with the Committee's policy on applications deferred sine die, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.

REASONS:

This application is deferred to allow the applicant to meet with staff to review comments and provide additional information.

CARRIED

Current Applications

Applications: B-3/16, A-4/16, and A-5/16
Owner: Casey and Marissa Den Ouden
Agent: David Matthews, Matthews Planning & Management Ltd.
Location: 22 Forest Hill Drive
In Attendance: David Matthews
Dennis Dellios

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. D. Matthews, agent, replied that the signs were posted and comments were received.

Mr. D. Matthews outlined the application which involves two lots of record.

Secretary-Treasurer T. Di Lullo noted that the agent has confirmed that the sidewalk indicated on the site plan going from the front of the proposed dwelling to James Street was never intended, therefore Engineering Services recommended that condition 11 regarding the sidewalk be removed. She also noted that Engineering Services recommended that condition 17 regarding the hydro service be removed as it is already addressed by condition 30.

She is also noted that condition 28 was revised by Planning Services to indicate that the landscape buffer is required on the southerly instead of the northerly side lot line. She also indicated that Parks Planning has provided comments on the application, but require no conditions. A copy of these comments were provided to the Committee members.

In response to a question from member S. Dykstra, Mr. D. Matthews indicated that cash in-lieu of parkland is required.

No members of the public spoke in support or opposition of the application.

Application B-3/16

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
Seconded by D. Kendrick

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 Registered Plan 401, Lot 8, municipally known as 22 Forest Hill Drive, a parcel with frontage along Forest Hill Drive of 0.84 metres, a depth of 38.25 metres, and an area of 34.65 square metres, as a lot addition to Registered Plan 401, Lot 9, be **APPROVED**, subject to the following conditions:

1. That the proposed severed parcel of land be conveyed to the abutting property owner as a lot addition only (Form 3 Certificate).
2. That the following covenant is incorporated in the deed: "The conveyance of (Severed Lands - legal description - Lot and Plan), City of Guelph, County of Wellington, designated as (Part and 61R-Plan Number) as a lot addition only to (Legal Description of Lands to be joined with - Lot and Plan), and shall not be conveyed as a separate parcel from (Legal Description of Lands to be joined with - Lot and Plan)."
3. That prior to endorstation of the deeds, the owner shall pay to the City, the watermain frontage charge of \$8.00 per foot for 60.86 feet (18.55 metres) of frontage on Forest Hill Drive.
4. That prior to endorstation of the deeds, the owner shall pay to the City, the watermain frontage charge of \$8.00 per foot for 125.49 feet (38.25 metres) of frontage on James Street.
5. That prior to endorstation of the deeds, the owner grants a 6.00-metre (19.69 feet) wide easement over the said lands for the existing 600mm (24") storm trunk sewer over Lot 8 and Lot 9, Registered Plan 410, registered on title, in favour of the City of Guelph as shown in red on the owner's site plan.
6. That prior to endorstation of the deeds, the owner shall determine the actual location of the 600mm storm trunk sewer across Lot 8 and Lot 9, Registered Plan 410 and have an Ontario Land Surveyor prepare a reference plan showing the actual location of the 600mm storm trunk sewer, the easement and be responsible for the entire costs associated with the preparation and registration of the reference plan.
7. That prior to endorstation of the deeds, the owner's solicitor certifies that the easement in favour of the City of Guelph, over Lot 8 and Lot 9, Registered Plan 410, has been granted and registered on title.

8. That prior to endorsation of the deeds, the owner shall pay all of the costs associated with the removal of the existing board fence, trees and shrubs within the James Street road allowance.
9. That the owner pays the actual cost of constructing new sanitary and water service laterals to the said lands including the cost of any curb cuts and/or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
10. That the owner pays the actual cost of the construction of the new driveway entrance including the required curb cut and/or curb fills with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
11. That prior to the issuance of a building permit on the said lands, the owner shall pay the flat rate charge established by the City to be applied to tree planting for the said lands.
12. 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.
13. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsation of the deeds.
14. 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.
15. Prior to the issuance of a 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.
16. 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 a building permit.
17. 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 for the Lands, prior to the issuance of a building permit.
18. That prior to endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
19. That a site plan be submitted to, and approved by the General Manager of Planning, Urban Design and Building Services and the City Engineer, prior to

the issuance of a building permit for the new dwelling on Lot 9 and Part of Lot 8, Registered Plan 401 indicating:

- a) The location and design of the new dwelling;
 - b) All trees on the subject property.
 - c) The location of the new dwelling with a setbacks that are in character with the surrounding area; and,
 - d) Grading, drainage and servicing information.
20. That the elevation and design drawings for the new dwelling on Lot 9 and Part of Lot 8, Registered Plan 401 be submitted to, and approved by the General Manager of Planning, Urban Design and Building Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage and are generally in keeping with the elevation drawings submitted in association with application number B-3/16.
 21. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy trees, the applicant submit a Tree Inventory and Preservation Plan (TIPP) for approval to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
 22. That prior to undertaking activities which may injure or destroy regulated trees the applicant erect tree protective fencing at one (1) metre from the dripline of any existing trees to be retained on the property or on adjacent properties which may be impacted by demolition and/or construction activities in accordance with the approved TIPP and to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
 23. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy trees, the applicant submit a Landscaping, Compensation and Replacement Plan to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
 24. That the applicant contacts the City's Environmental Planner to inspect the tree protection fence prior to undertaking activities which may injure or destroy regulated trees.
 25. That the undertaking of activities which may injure or destroy trees occur outside of the breeding bird season (approximately April 1 to July 31).
 26. That a minimum landscape buffer of 0.86 metres between any driveway and the southerly side lot line be provided on Part of Lot 8, Registered Plan 401.
 27. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title of lot 9 and part of lot 8, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.
 28. That prior to the issuance of a building permit, the applicant makes satisfactory arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the hydro servicing of the new lot. The new

proposed driveway must maintain 1.5m clearance from existing hydro pole. If this clearance can't be maintained, the pole will have to be relocated at the expense of the applicant.

29. That upon fulfilling and complying with all of the above-noted conditions, 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.
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.

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.

CARRIED

Application A-4/16

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
Seconded by D. Kendrick

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 12 of Zoning By-law (1995)-14864, as amended, for 22 Forest Hill Drive (Registered Plan 401, Part Lot 8), to permit an area of 0.14 metres between the driveway and the right lot line to be maintained as landscaped open space, when the By-law requires that a minimum area of 0.5 metres between the driveway and the nearest

lot line must be maintained as landscaped space, be **APPROVED**, subject to the following condition:

1. That the conditions imposed for Application B-4/16 be and form part of this approval.

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.

CARRIED

Application A-5/16

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
Seconded by D. Kendrick

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 5.1.2.7 of Zoning By-law (1995)-14864, as amended, for Registered Plan 401, Part Lot 8 and Lot 9, to permit an exterior side yard of 4.55 metres, when the By-law requires that the minimum exterior side yard shall be 6 metres, be **APPROVED**, subject to the following condition:

1. That the conditions imposed for Application B-4/16 be and form part of this approval.

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.

CARRIED

Applications: B-4/16, B-5/16, B-6/16, B-7/16 and B-8/16
Owner: Reid's Heritage Homes Ltd.
Agent: N/A
Location: 1405 Gordon Street/10 Vaughan Street (Units 1-10)
In Attendance: Matt Robson

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. M. Robson, on behalf of Reid's Heritage Homes Ltd, replied that the signs were posted and comments were received.

Mr. M. Robson outlined the application to create 10 townhouse parcels and indicated concerns with the wording of the easement conditions recommended by Engineering Services. He recommended that these conditions be replaced with a single condition requiring the necessary easements to be granted.

In response to a question from Chair B. Birdsell, Planner L. Sulatycki replied that she had not received any documentation regarding the easement concerns. Mr. M. Robson indicated that this was sent to Engineering Services and he had not received a response.

In response to questions from member S. Dykstra, Planner L. Sulatycki advised that in order to divide townhouse lots, the applicant would usually go through the part lot control process, however this was not possible as the subject property is not a block on a registered plan of subdivision. She advised that a plan of subdivision application is not required as the lots have services available, have access to a public street, and have regard to the matters under Section 51(24) of the Planning Act.

Member S. Dykstra expressed concern that 9 applications should have been required. Member K. Ash questioned the number of applications submitted. Secretary-Treasurer T. Di Lullo noted that legal staff have reviewed this issue in the past and have not indicated any legal requirement to submit one application per lot created; however, staff are investigating this further for future policies.

Secretary-Treasurer T. Di Lullo noted that comments were received from Parks Planning requiring cash-in-lieu of parkland dedication for files B-4/16 through B-8/16. A copy of the comments were provided to the Committee members.

No members of the public spoke in support or opposition of the application.

Application B-4/16

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 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 Part Lot 7, Concession 7, former Township of Puslinch, being Parts 15 and 16 on Reference Plan 61R-20612, to be known municipally as Unit 2 of 10 Vaughan Street, a parcel with a frontage along Vaughan Street of 5.5 metres, and a depth of 27.3 metres, along with consent for the following easements for pedestrian access to and from Gordon Street:

- a) an 8.2 square metre easement, being Part 16 of Reference Plan 61R-26012, in favour of Part 14 (Unit 3), and
- b) a 15.9 square metre easement, being Part 18 of Reference plan 61R-26012, in favour of Parts 15 and 16 (Unit 2);

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

1. That prior to endorsonation of the deeds, the servient tenement lands (Units 1 and 2 of 10 Vaughan Street), Part of Lot 7, Concession 7, Geographic Township of Puslinch, City of Guelph, Parts 16 and 18, grants an access easement approximately 1.50-metres (4.92 feet) wide by approximately 16.18-metres (53.08 feet) long over Parts 16 and 18, in perpetuity, registered on title, in favour of the dominant tenement lands (Unit 2 of 10 Vaughan Street, Part of Lot 7, Concession 7, Geographic Township of Puslinch, City of Guelph, Parts 15 and 16 for pedestrian access to and from Gordon Street.
2. The Owner shall be responsible for the payment of cash-in-lieu of parkland dedication to the satisfaction of the Deputy CAO of Public Services pursuant to s.51.1 and s.53(13) of the *Planning Act* prior to the endorsement of the Transfer (deed).
3. Prior to the endorsement of the Transfer (deed) by the City, the Owner shall provide to the Deputy CAO of Public Services a satisfactory short narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the payment of cash-in-lieu of parkland dedication pursuant to s.51.1 and s.53(13) of the Planning Act. The short narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services. Notwithstanding the foregoing, if the short narrative appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services, acting reasonably, the City reserves the right to obtain an independent short narrative appraisal for the purposes of calculating the payment of cash-in-lieu of parkland dedication.
4. That upon fulfilling and complying with all of the conditions, 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.
5. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
6. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
7. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.

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.

CARRIED

Application B-5/16

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 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 Part Lot 7, Concession 7, former Township of Puslinch, being Parts 12 and 13 on Reference Plan 61R-20612, to be known municipally as Unit 4 of 10 Vaughan Street, a parcel with a frontage along Vaughan Street of 7.1 metres, and a depth of 27.3 metres, be **APPROVED**, subject to the following conditions:

1. The Owner shall be responsible for the payment of cash-in-lieu of parkland dedication to the satisfaction of the Deputy CAO of Public Services pursuant to s.51.1 and s.53(13) of the *Planning Act* prior to the endorsement of the Transfer (deed).
2. Prior to the endorsement of the Transfer (deed) by the City, the Owner shall provide to the Deputy CAO of Public Services a satisfactory short narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the payment of cash-in-lieu of parkland dedication pursuant to s.51.1 and s.53(13) of the Planning Act. The short narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services. Notwithstanding the foregoing, if the short narrative appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services, acting reasonably, the City reserves the right to obtain an independent short narrative appraisal for the purposes of calculating the payment of cash-in-lieu of parkland dedication.
3. That upon fulfilling and complying with all of the conditions, 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.
4. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.

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

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.

CARRIED

Application B-6/16

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 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 Part Lot 7, Concession 7, former Township of Puslinch, being Part 9 on Reference Plan 61R-20612, to be known municipally as Unit 6 of 10 Vaughan Street, a parcel with a frontage along Vaughan Street of 5.5 metres, and a depth of 27.3 metres, along with consent for the following easement for pedestrian access to and from Vaughan Street:

- a) a 74.8 square metre easement, being Parts 2, 4, 6, and 8 of Reference Plan 61R-20612, in favour of Part 9 (Unit 6),

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

1. That prior to endorsation of the deeds, the servient tenement lands (Units 7, 8, 9 and 10 of 10 Vaughan Street, Part of Lot 7, Concession 7, Geographic Township of Puslinch, City of Guelph, Parts 2, 4, 6, and 8, grants an access easement approximately 1.50-metres (4.92 feet) wide by approximately 24.09-metres (79.04 feet) long; and approximately 1.50-metres (4.92 feet) wide by approximately 25.83-metres (84.74 feet) long over Parts 2, 4, 6 and 8, in perpetuity, registered on title, in favour of the dominant tenement land (Unit 6 of 10 Vaughan Street, Part of Lot 7, Concession 7, Geographic Township of

Puslinch, City of Guelph, Part 9 for pedestrian access to and from Vaughan Street.

2. The Owner shall be responsible for the payment of cash-in-lieu of parkland dedication to the satisfaction of the Deputy CAO of Public Services pursuant to s.51.1 and s.53(13) of the *Planning Act* prior to the endorsement of the Transfer (deed).
3. Prior to the endorsement of the Transfer (deed) by the City, the Owner shall provide to the Deputy CAO of Public Services a satisfactory short narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the payment of cash-in-lieu of parkland dedication pursuant to s.51.1 and s.53(13) of the *Planning Act*. The short narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services. Notwithstanding the foregoing, if the short narrative appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services, acting reasonably, the City reserves the right to obtain an independent short narrative appraisal for the purposes of calculating the payment of cash-in-lieu of parkland dedication.
4. That upon fulfilling and complying with all of the conditions, 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.
5. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
6. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
7. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.

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.

CARRIED

Application B-7/16

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 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 Part Lot 7, Concession 7, former Township of Puslinch, being Parts 5 and 6 on Reference Plan 61R-20612, to be known municipally as Unit 8 of 10 Vaughan Street, a parcel with a frontage along Vaughan Street of 5.5 metres, and a depth of 27.3 metres, along with consent for the following easements for pedestrian access to and from Vaughan Street:

- a) a 8.2 square metre easement, being Part 6 of Reference Plan 61R-20612, in favour of Parts 7, 8, and 9 (Units 7 and 6), and
- b) a 58.4 square metre easement, being Parts 2 and 4 of Reference Plan 61R-20612, in favour of Parts 5 and 6 (Unit 8);

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

1. That prior to endorment of the deeds, the servient tenement lands (Units 8, 9 and 10 of 10 Vaughan Street, Part of Lot 7, Concession 7, Geographic Township of Puslinch, City of Guelph, Parts 2, 4, 6, grants an access easement approximately 1.50-metres (4.92 feet) wide by approximately 18.59-metres (60.99 feet) long; and approximately 1.50-metres (4.92 feet) wide by approximately 25.83-metres (84.74 feet) long over Parts 2, 4 and 6, in perpetuity, registered on title, in favour of the dominant tenement lands Units 6, 7 and 8 of 10 Vaughan Street, Part of Lot 7, Concession 7, Geographic Township of Puslinch, City of Guelph, Parts 5, 6, 7, 8, and 9 for pedestrian access to and from Vaughan Street.
2. The Owner shall be responsible for the payment of cash-in-lieu of parkland dedication to the satisfaction of the Deputy CAO of Public Services pursuant to s.51.1 and s.53(13) of the *Planning Act* prior to the endorsement of the Transfer (deed).
3. Prior to the endorsement of the Transfer (deed) by the City, the Owner shall provide to the Deputy CAO of Public Services a satisfactory short narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the payment of cash-in-lieu of parkland dedication pursuant to s.51.1 and s.53(13) of the Planning Act. The short narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services. Notwithstanding the foregoing, if the short narrative appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services, acting reasonably, the City reserves the right to obtain an independent short narrative appraisal for the purposes of calculating the payment of cash-in-lieu of parkland dedication.

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

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.

CARRIED

Application B-8/16

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 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 Part Lot 7, Concession 7, former Township of Puslinch, being Parts 1 and 2 on Reference Plan 61R-20612, to be known municipally as Unit 10 of 10 Vaughan Street, a parcel with a frontage along Vaughan Street of 7.6 metres, and a depth of 27.3 metres, along with consent for the following easement for pedestrian access to and from Vaughan Street:

- a) a 50.1 square metre easement, being Part 2 of Reference Plan 61R-20612, in favour of Parts 3, 4, 5, 6, 7, 8, and 9 (Units 9, 8, 7, and 6),

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

1. That prior to endorsation of the deeds, the servient tenement lands (Unit 10 of 10 Vaughan Street, Part of Lot 7, Concession 7, Geographic Township of Puslinch, City of Guelph, Part 2), grants an access easement approximately 1.50-metres (4.92 feet) wide by approximately 7.59-metres (24.90 feet) long; and approximately 1.50-metres (4.92 feet) wide by approximately 25.83-metres (84.74 feet) long over Part 2, in perpetuity, registered on title, in favour of the dominant tenement lands Units 6, 7, 8 and 9 of 10 Vaughan Street, Part of Lot 7, Concession 7, Geographic Township of Puslinch, City of Guelph, Parts 3, 4, 5, 6, 7, 8 and 9 for pedestrian access to and from Vaughan Street.
2. The Owner shall be responsible for the payment of cash-in-lieu of parkland dedication to the satisfaction of the Deputy CAO of Public Services pursuant to s.51.1 and s.53(13) of the *Planning Act* prior to the endorsement of the Transfer (deed).
3. Prior to the endorsement of the Transfer (deed) by the City, the Owner shall provide to the Deputy CAO of Public Services a satisfactory short narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the payment of cash-in-lieu of parkland dedication pursuant to s.51.1 and s.53(13) of the *Planning Act*. The short narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services. Notwithstanding the foregoing, if the short narrative appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services, acting reasonably, the City reserves the right to obtain an independent short narrative appraisal for the purposes of calculating the payment of cash-in-lieu of parkland dedication.
4. That upon fulfilling and complying with all of the conditions, 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.
5. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
6. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
7. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.

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.

CARRIED

Application: A-7/16

Owner: Craig and Brenda Purdie

Agent: David Brix, Terra View Custom Homes Ltd.

Location: 202 Glasgow Street

In Attendance:

David Brix	Carmel Fiori
Brenda Purdie	George Fiori
Craig Purdie	Laura Bolton
Margaret Glandfield	Marc Papp
David Glandfield	Wolf Kohler
Mary Cabena	Caitlin Holton
Daniel Cabena	Scott MacDonald
Iris Dorton	Don Bodlick
David Bolton	Britney Oostinga
Tony Saxon	Dan Ash
Aline Rejeanne Cool	Rob Reynen
Georgia Simms	

Secretary-Treasurer T. Di Lullo noted that correspondence was received from Ms. L. J. Wiseman with concerns about the application. A copy of the correspondence was provided to the members.

Secretary-Treasurer T. Di Lullo noted that comments from Heritage Guelph were provided after the comment deadline, indicating no concerns or objections to the exterior elevations for the proposed dwelling. A copy of the comments were provided 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. D. Brix, agent, replied that the sign was posted and comments were received. Mr. D. Brix explained the proposal for the replacement dwelling and detached garage.

In response to questions from member P. Ross, Mr. D. Brix showed the proposed floor plans on the overhead projector and explained the proposed entrances to dwelling. Mr. D. Brix indicated that the finished basement and first floor comprise the main dwelling unit.

Member S. Dykstra commented that it appeared that each floor could function as its own dwelling unit. In response to a question from member S. Dykstra, Planner T. Donegani responded that Zoning staff would generally not permit a second kitchen in the basement.

In response to a question from member L. Janis, Mr. D. Brix indicated that the detached garage is not of paramount importance to his clients' design. He indicated that the owner wished to have the new dwelling in approximately the same location as the existing dwelling and not encroach closer to the street.

Member K. Ash commented that no variances would be required if the garage was set back further from the property line and the height was lowered. Mr. D. Brix indicated that the plans are to construct similar to the existing condition.

In response to a question from member P. Ross, Mr. D. Brix confirmed that the proposed plans would require cars to back out of the driveway.

Member D. Kendrick expressed concern that the parking situation will be looked at during a later stage when the two units are registered. Planner T. Donegani explained that multiple site plans have been considered by staff and he indicated that the applicant did not want to move the house closer ahead to the street.

In response to a question from member K. Ash, Planner T. Donegani confirmed a total of three parking spaces are required for the main dwelling and accessory apartment. She commented that the detached garage makes it problematic to locate the third parking space.

In response to a question from member S. Dykstra, Mr. D. Brix replied that the wall of the detached garage is proposed to be on the property line. Planner T. Donegani indicated staff measures to the wall and that the overhang of a roof onto another property is more of a civil issue.

Ms. M. Cabena, resident at 198 Glasgow Street, expressed concerns about the lack of property management in the past and parking issues. She indicated she was concerned about the variance regarding the accessory apartment size as she felt it was considered a triplex. She indicated that the gross floor area of the dwelling does not include the basement. She indicated that a rezoning is needed and felt the application should be refused.

In response to questions from member K. Ash, Planner T. Donegani clarified that section 4.15 of the Zoning By-law provides a special definition of floor area which includes basements. He confirmed that the calculations were correct.

In response to a question from member P. Ross, Planner T. Donegani said that the important test is if the accessory apartment is considered as subsidiary to the main dwelling.

In response to a question from member L. Janis, Planner T. Donegani said he was not able to confirm the proposed height of the basement as this would be part of the building permit review.

Ms. M. Cabena commented that the proposed entrance layout is unusual. Planner T. Donegani agreed.

Mr. G. Fiori, resident at 208 Glasgow Street, indicated that he believes the proposal involves three separate apartments. He indicated that there are existing parking issues and the proposed parking spaces will not be used. He believed the variances should be denied. He

also expressed concerns that the applicant is leaving out a kitchen in the basement and concerns that the height of the dwelling will be increasing.

Ms. L. Bolton, resident at 215 Glasgow Street, expressed concerns about independent access to the three levels of the dwelling and could not find a similar situation in the neighbourhood. She indicated that she felt the application was not minor in nature, and the design was not replicating a design in neighbourhood. She stated that she thought alternative designs could be proposed to mitigate the variances needed.

Mr. S. MacDonald, resident at 51 Kirkland Street, provided a large package of written correspondence to the Committee members. He stated he agreed with staff concerns about the garage, and was concerned the overhang of the garage on the neighbouring property was not a civil issue. He stated that the applicant can mitigate to make the garage conform. He provided an overview of the past regulations in regards to accessory apartments and stated that he believed the intent of the regulations is that apartments should not be larger than 80 square metres. He felt that the request for the larger accessory apartment was not minor in nature.

Member K. Ash commented that the Committee must make a decision based on the four tests of the Planning Act only.

Mr. C. Purdie, owner of 202 and 204 Glasgow Street, stated that his intention was to live in the dwelling with his wife. He indicated that comments that the dwelling is a triplex are not true. He stated that the stairs are along the outside of the dwelling to save floor space for the main dwelling unit and to reduce noise. Mr. C. Purdie provided copies of correspondence from past and current tenants Ms. S. Pipher, Ms. G. Simms, and Mr. N. Liota.

In response to questions from member K. Ash, Mr. C. Purdie indicated that the basement will be for a playroom and he has no intentions of renting out the basement. He indicated that the height of the garage is due to aesthetics and to permit storage.

Member K. Ash stated she concurred with staff's recommendations and noted that the By-law was written to give flexibility to apartment sizes in a variety of different dwelling sizes.

Member S. Dykstra indicated that he supported the accessory apartment variance as he felt the proposal was minor in nature. He noted that the floor plans are not tied to the variance approval, and it is up to the applicant to ensure the plans conform with the Zoning By-law.

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
Seconded by S. Dykstra

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 4.5.1.2 and 4.5.2.1, of Zoning By-law (1995)-14864, as amended, for 202 Glasgow Street North,

- a) to permit the proposed detached garage to be located 0.0 metres from the rear lot line, when the By-law requires that accessory buildings shall not be located within 0.6 metres from any lot line, and
- b) to permit the proposed detached garage to have a height of 4.62 metres, when the By-law requires that in a residential zone, an accessory structure shall not exceed 3.6 metres in height,

be **REFUSED**.

REASONS:

Variances regarding the proposed detached garage are refused, as it is the opinion of the Committee that these variances do not meet all four tests under Section 45(1) of the Planning Act, specifically being that the variances are not minor and desirable for the area, as adequate space is available on the subject property to permit the required detached garage setback, and the need for the increased garage height can be mitigated, such as accommodating storage space within the dwelling.

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 Sections 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 202 Glasgow Street North,

- c) to permit the proposed accessory apartment to have a floor area of 115.4 square metres, being 32% of the total floor area of the dwelling, when the By-law requires that an accessory apartment shall not exceed a maximum of 80 square metres in floor area, and not exceed 45% of the total floor area, whichever is lesser,

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

1. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy trees, the applicant submit a Tree Inventory and Preservation Plan (TIPP) for approval to the satisfaction of the General Manager of Planning, Urban Design and Building Services;
2. That prior to the undertaking activities which may injure or destroy regulated trees the applicant erect tree protective fencing at one (1) metre from the dripline of any existing trees to be retained on the property or on adjacent properties which may be impacted by demolition and/or construction activities in accordance with the approved TIPP and to satisfaction of the General Manager of Planning, Urban Design and Building Services;
3. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy trees, the applicant submit a Landscaping, Compensation and Replacement Plan to the satisfaction of the General Manager of Planning, Urban Design and Building Services;
4. That the applicant contacts the City's Environmental Planner to inspect the tree protection fence prior to undertaking activities which may injure or destroy regulated trees.

5. That the undertaking activities which may injure or destroy trees occur outside of the breeding bird season (approximately April 1 to July 31).

REASONS:

The variance regarding the accessory apartment size is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this variance meets all four tests under Section 45(1) of the Planning Act, as the accessory apartment is subordinate in size to the main dwelling unit and is desirable for the area in which other accessory apartments are located in the neighbourhood.

CARRIED

Application: A-8/16
Owner: Terra View Riverside Ltd.
Agent: N/A
Location: 68 York Road
In Attendance: David Brix

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. D. Brix, on behalf of Terra View Riverside Ltd., replied that the sign was posted and comments were received. Mr. D. Brix outlined the application. He stated that the proposed driveway is on a very busy street near an intersection.

Member S. Dykstra stated he was concerned that backing cars out of the driveway does not remediate the traffic situation on the street. Mr. D. Brix indicated that the proposal will allow for less reversing out onto the street as less jockeying of cars will be required.

No members of the public spoke in support or opposition 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 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, a variance from the requirements of Section 4.13.7.2.3 of Zoning By-law (1995)-14864, for 68 York Road, to permit the driveways for each of the proposed semi-detached dwellings to have a maximum driveway width of 5.0 metres, when the By-law requires that a driveway in an R.2 zone shall have a maximum driveway width of 3.5 metres, be **REFUSED**.

REASONS:

This application is refused, as it is the opinion of the Committee that, this application does not meet all four tests under Section 45(1) of the Planning Act, specifically being the reasons outlined in the staff comments that the requested variance does not meet the intent of the Zoning By-law, is not considered to be desirable for the appropriate development of the lands, and is not minor in nature.

CARRIED

Application: A-9/16
Owner: Roman Catholic Episcopal Corporation Diocese of Hamilton
Agent: James Webb, WEBB Planning Consultants
Location: 325 Gordon Street
In Attendance: Brian Favero
Mark Morley
Phil Jones
Jim Tarbutt

Secretary-Treasurer T. Di Lullo noted that comments from Heritage Guelph were provided after the comment deadline, indicating no objections to the proposed minor variance. A copy of the comments were provided to the Committee members.

Secretary-Treasurer T. Di Lullo noted that additional comments and revised conditions from Planning Services have been provided. A copy of these conditions were provided 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. Father M. Morley, representative of the Hamilton Diocese, replied that the signs were posted and comments were received.

Father M. Morley outlined the application and his work with the Campus Ministry. He indicated that he is not a resident of the property and therefore the office use is not considered a home occupation. He stated that it is not intended that any persons will reside in the building.

In response to questions from member D. Kendrick, Father M. Morley replied that he was satisfied with the revised conditions. Planner L. Sulatycki indicated that a rezoning application for the property is currently being processed, and after further discussions with the applicant it was understood that the proposal was to allow the entire building to be used for the stand-alone office use. She indicated that the revised conditions will limit the scope and impact on the neighbourhood, and allow time for the rezoning to come into effect.

Member S. Dykstra expressed concerns about the concurrent rezoning application and if the application is considered minor. Planner L. Sulatycki indicated that she is comfortable with the proposal as there is an active rezoning application and the variance will be limited in terms of the type of office, time period, and number of employees, and conformed to the Official Plan policies.

Father M. Morley clarified that the chapel will not be open to the public and the rezoning will allow for the chapel uses.

In response to a question from member S. Dykstra, Father M. Morley replied that the reason for the application is to have space for him and his staff to work as soon as possible. Member S. Dykstra expressed concern that the application is a go between when a rezoning application is in process. Chair B. Birdsell explained the variance application is for the office use and the rezoning will allow the rest of the proposed uses. Father M. Morley indicated that the variance will allow for interior renovations.

In response to a question from member L. Janis, Father M. Morley indicated that comments from Heritage Guelph were recently provided.

No members of the public spoke in support or opposition 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 P. Ross
Seconded by D. Kendrick

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 5.1.1 of Zoning By-law (1995)-14864, as amended, for 325 Gordon Street, to permit a stand-alone office use within the existing dwelling, when the By-law permits a variety of stand-alone residential uses, but does not permit a stand-alone office use, be **APPROVED**, subject to the following conditions:

1. The owner agrees to submit and receive approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of the building, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the General Manager of Planning Services and the General Manager/City Engineer, prior to the issuance of site plan approval. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.
2. That the variance be allowed for a period of one (1) year from the date of Committee's final decision.
3. That the office be limited to an office for a 'Religious Establishment'.
4. That the office use be limited to a maximum of three (3) employees at any time.
5. That the office use be in accordance with the plans submitted through building permit application #15 009821 PR.

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.

CARRIED

Application: B-9/16
Owner: Armel Corporation
Agent: N/A
Location: 110 Silvercreek Parkway North
In Attendance: Chris Corosky

Secretary-Treasurer T. Di Lullo noted that the public hearing notice incorrectly noted the property size as 6,019.31 square metres when the correct size is 4,019.31 square meters.

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. Corosky, representative of Armel Corporation, replied that the signs were posted, and staff comments were received.

Mr. C. Corosky outlined the application and indicated the current businesses have been operating since 2001. He indicated that no physical changes to the property are proposed.

In response to questions from member S. Dykstra, Mr. C. Corosky explained the term of the lease.

No members of the public spoke in support or opposition of the application.

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 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 to permit a 10 year long term lease renewal, with an option to extend for five (5) additional years, for Registered Plan 615, Block 'E', municipally known as 110 Silvercreek Parkway North, a parcel occupied by an Esso gas bar, car wash and convenience store, comprising an area of 4,019.31 square metres, be **APPROVED**, subject to the following conditions:

1. That upon fulfilling and complying with all of the conditions, 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.

2. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
3. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.

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.

CARRIED

Other Business

Ms. J. Sperling, Program Manager – Open Space Planning, provided an overview of parkland dedication requirements. In response to a question from member L. Janis, Ms. J. Sperling indicated that the value of land is 5% for residential uses and 2% for industrial and commercial uses, with the calculation based on the land value the day before consent is granted. In response to a question from member P. Ross, Ms. J. Sperling said that set values in the By-law cannot be used for consent applications, and an appraisal is needed.

Secretary-Treasurer T. Di Lullo advised the Committee members that a second hearing will be held in March on March 24, 2016.

Secretary-Treasurer T. Di Lullo noted that two applications from the January 14, 2016 hearing were appealed to the Ontario Municipal Board, being the refusal of application files A-68/15 (282 Victoria Road North and 475-485 Speedvale Avenue East) and A-1/16 (2 Sagewood Place).

Secretary-Treasurer T. Di Lullo thanked Planner T. Donegani and Council Committee Assistant V. Sobering for their assistance to the Committee and wished them well in their new endeavours.

Adjournment

Moved by D. Kendrick
Seconded by K. Ash

THAT the hearing of the Committee of Adjustment be adjourned at 5:57 p.m.

CARRIED

B. Birdsell
Chair

T. Di Lullo
Secretary-Treasurer