



COMMITTEE OF ADJUSTMENT MINUTES

The Committee of Adjustment for the City of Guelph held its Regular Hearing on Thursday February 14, 2019 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

K. Ash, Chair
D. Kendrick, Vice Chair
S. Dykstra
D. Gundrum
L. Janis
K. Meads
J. Smith

Staff Present: B. Bond, Zoning Inspector
L. Cline, Council Committee Coordinator
S. Daniel, Engineering Technologist
M. Singh, Acting Secretary-Treasurer
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 S. Dykstra
Seconded by D. Kendrick

THAT the Minutes from the January 10, 2019 Regular Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Requests for Withdrawal or Deferral

There were no requests.

Current Applications

Application: A-10/19

Owner: Jeremy and Leanne Friedberg

Agent: Jacob Abbott and Mark Buckley, PEG Architectures + Interiors Inc.

Location: 195 Liverpool Street

In Attendance: Mark Buckley

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

Mr. M. Buckley briefly explained the application.

In response to a question from member S. Dykstra, Planner L. Sulatycki responded that no changes are needed to the recommended condition as it is specific to the sunroom and does not refer to the carport.

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 D. Gundrum

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 6a of Zoning By-law (1995)-14864, as amended, for 195 Liverpool Street, to permit a sunroom in the exterior side yard with a setback of 4.22 metres, when the By-law requires that a minimum exterior side yard setback for dwellings of 6 metres or the average of the setbacks of the adjacent properties, be **APPROVED** subject to the following condition:

1. That the variance shall apply to the sunroom generally in 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-11/19
Owner: Burns Inc. – 2620891 Ontario Ltd.
Agent: Scott Patterson, Labreche Patterson & Associates Inc.
Location: 3, 9, 11, 15, 17 and 19 Burns Drive
In Attendance: Scott Patterson
Tony De Pasquale

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

Mr. S. Patterson briefly explained the application.

In response to a question from member K. Meads, Mr. S. Patterson responded that he was not aware of any public feedback received regarding the existing landscaping. He indicated the current landscaping was installed by the previous land owner and suggested that the owner may entertain the option of providing year round coniferous screening as a buffer.

In response to a question from member J. Smith, Mr. S. Patterson responded that due to the configurations of the existing buildings and two access points, the waste bins were installed in their current location. Member J. Smith indicated that he felt the current location of the bins was not appropriate as the location was far from the buildings and close to the road, the existing screening was inadequate, and noted there was quite a bit of garbage scattering the area from the bins being full.

In response to a question from member D. Gundrum, Engineering Technologist S. Daniel responded that the existing location of the bins are setback far enough to meet the sight line triangle requirements in the Zoning By-law.

In response to a question from member D. Kendrick, Planner L. Sulatycki responded that waste bins are permitted in any zone in certain locations. She indicated that since the units are in ground, she believed they were not offensive to the sight lines and do not look unsightly.

Member K. Meads suggested an amendment to the screening condition to indicate that landscaping be maintained so that it is fully screened year round from the adjacent sidewalk at the zero to two metre height in both directions along Burns Drive, where reasonably feasible.

In response to a question from Chair K. Ash, Mr. S. Patterson responded that the purpose of the in ground receptacles is to have them act as a screen as opposed to having above grade

garbage structures. He noted that these structures do screen themselves but agreed with additional landscaping being provided to the satisfaction of staff.

Member K. Meads recommended the condition be further amended to indicate that landscaping be maintained to screen the in-ground waste units from Burns Drive to the satisfaction of staff.

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 K. Meads
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 4.9.1 of Zoning By-law (1995)-14864, as amended, for 3, 9, 11, 15, 17 and 19 Burns Drive, to permit garbage facilities (in-ground waste units) to be located in the exterior side yard along Burns Drive, when the By-law requires that no garbage or refuse shall be stored on any lot in any zone except within the principal building or any accessory building or structure on such lot or in a container in a side yard or rear yard of such lot, be **APPROVED** subject to the following conditions:

1. That the variance only applies to in-ground waste units generally in the location as shown on the Public Notice sketch.
2. That landscaping be maintained to screen the in-ground waste units from Burns Drive to the satisfaction of staff.
3. That the number of in-ground waste units be limited to two (2), as currently exists on the property.

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-12/19
Owner: Salman Hussain and Ambreen Ahmed
Agent: NA
Location: 170 Dallan Drive
In Attendance: Salman Hussain
Oscar Gatto

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. S. Hussain, owner, responded that the sign was posted and comments were received.

Mr. S. Hussain 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 S. Dykstra
Seconded by D. Gundrum

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 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 170 Dallan Drive, to permit an accessory apartment size of 84.72 square metres, or 20% of the total floor area of the dwelling, when the By-law requires that an accessory apartment shall not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 square metres in floor area, whichever is lesser, be **APPROVED**.

REASONS:

This application is approved, as it is the opinion of the Committee that 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-13/19**
Owner: **Brad and Keira Stroyan**
Agent: **N/A**
Location: **319 Exhibition Street**
In Attendance: **Brad Stroyan**

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

Mr. B. Stroyan briefly explained the application.

In response to a question from member L. Janis, Mr. B. Stroyan responded that the dwelling was not proposed further back from the front property line due to additional foundation costs and the resulting reduction of rear yard space. He indicated that there are other homes on the street that are two storeys or one and a half storeys in height. He also indicated that a dormer is being used rather than a full two storey to ensure the height is limited as much as possible.

In response to a question from member J. Smith, Planner A. Watts responded that there is no Zoning By-law regulation for an angular plane on this property and it does allow for a building height of a maximum of 3 storeys.

Member J. Smith expressed concerns that approving a second storey addition or re-build would set a precedent, because there are no other two storey dwellings set this far forward from his observation. He had concerns if this proposal can be considered a minor variance.

In response to member J. Smith, Planner A. Watts responded that massing was reviewed and a site visit was completed. She recognized that this is an older neighbourhood with a variety of different types of housing. She indicated that in discussions with the applicant, she understood that the existing foundation is being used, and indicated she is in support of this application.

In response to a question from member S. Dykstra, Planner A. Watts responded that this property is not designated a heritage structure and therefore there are no architectural controls. She recommended that a condition to have the elevation drawings approved by urban design staff not be added.

In response to a question from member S. Dykstra, Mr. B. Stroyan responded that they will proposing elevations in character with the area. He indicated that they are just rebuilding the existing main floor as is and will be adding a dormer for the second floor. He indicated the exterior colour will be maintained as much as possible and will try to maintain the aesthetic of the house with the neighbourhood.

In response to a question from member D. Kendrick, Planner A. Watts responded that the existing tree is on city property and as noted in the staff comments, the owner needs to contact staff prior to doing any work.

In response to a question from member D. Gundrum, Mr. B. Stroyan confirmed that 2.45 metres is the existing setback from the street.

In response to a question from Chair K. Ash, Planner A. Watts confirmed that the open roofed porch is to project 4.25 metres into the front yard. Chair K. Ash recommended that if the application was approved, a condition be added to require that the open roofed porch project a maximum of 4.25 metres into the front yard.

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 S. Dykstra
Seconded by K. Meads

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Table 4.7 Row3, Section 5.1.2.7(i) and Table 5.1.2 Row 6 and 12 of Zoning By-law (1995)-14864, as amended, for 319 Exhibition Street,

- a) to permit an open roofed porch to project 1.7 metres into the front yard and a setback of 0.75 metres from the front lot line, when the By-law requires that an open roofed porch, not exceeding 1 storey in height have a maximum projection of 2.4 metres in the front yard and a minimum setback of 2 metres from the front lot line;
- b) to permit the dwelling to have a front yard setback of 2.45 metres, when the By-law requires that the minimum front yard shall be 6 metres or the average of the setbacks of the adjacent properties [being 5 metres]; and
- c) to permit no landscaped area between the driveway and nearest lot line, when the By-law requires that a minimum area of 0.5 metres between the residential driveway and nearest lot line to be maintained as landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species,

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

1. That the replacement dwelling be located in general accordance with the Public Notice sketch.
2. That the open roofed porch project a maximum of 4.25 metres into the front yard and a setback of 0.75 metres from the front lot line.

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-14/19**
Owner: **Kaizen Investment Holdings Inc.**
Agent: **NA**
Location: **904 Paisley Road**
In Attendance: **Taylor Beech**

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

In response to a question from Chair K. Ash, Zoning Inspector B. Bond responded that enforcement of conditions can be responded to via complaints. Chair K. Ash noted that the Committee needs to enforce reasonable conditions and indicated that this will be an enforcement issue.

Engineering Technologist S. Daniel indicated that there is a Noise By-law and members of the public can make complaints about loud noises via information listed on the City's website.

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 S. Dykstra
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, variances from the requirements of Sections 4.17.2.1, 4.17.2.6 and 4.17.3 of Zoning By-law (1995)-14864, as amended, for 904 Paisley Road,

- a) to permit an outdoor patio where more than 1 lot line adjoins lands in a residential zone, when the By-law requires that no outdoor patio shall be permitted where more than 1 lot line adjoins lands which are in a residential zone;
- b) to permit an outdoor patio outside of the building envelope of the development on

the site, when the By-law requires that where permitted, outdoor patios shall be permitted within the building envelope of the development on the site; and

- c) to permit an outdoor patio without a fence of a minimum height of 0.8 metres above the patio floor, when the By-law requires that every outdoor patio shall be defined by a wall or fence with a minimum height of 0.8 metres above the patio floor,

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

1. That the variance shall only apply to a patio located in general accordance with the Public Notice sketch.
2. That the patio shall not be licensed to serve and/or sell alcohol.

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-15/19**
Owner: **1449019 Ontario Inc.**
Agent: **NA**
Location: **128 Starwood Drive**
In Attendance: **Kelly Destombes**

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. K. des Tombe, representative of the owner, responded that the sign was posted and comments were received.

In response to a question from member K. Meads, Planner L. Sulatycki responded that the retaining wall is required by the City and due to the height of the retaining wall, the chain-link fence is required by the Ontario Building Code (OBC). She indicated that at the time of application submission, the chain link fence was also thought of to serve as demarcation in accordance with the City's demarcation policy. She clarified that since that time, it has been confirmed that demarcation is only required up to a certain point, and therefore the fence does not have to be located all the way up to the front yard, but is still required because of the height of the retaining wall.

Ms. K. des Tombe confirmed under the OBC that the chain-link fence is not required as a guard for the first 7.5 metres. She indicated that when the property ultimately contains a dwelling, it will not be an issue.

In response to a question from member K. Meads, Ms. K. des Tombe confirmed that the condition can be amended to state that the chain-link fence variance is only approved while the temporary sales trailer is on the property.

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 K. Meads
Seconded by J. Smith

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Section 5.1.1, Table 5.1.2 Rows 6a, 8, and 12 and Section 4.20.9 of Zoning By-law (1995)-14864, as amended, for 128 Starwood Drive,

- a) to permit a temporary sales trailer and temporary parking area on the lot, when the By-law permits a variety of uses in the R.1D zone, but does not permit a temporary sales trailer and temporary parking area;
- b) to permit a minimum exterior side yard of 3.9 metres for the temporary sales trailer, when the By-law requires a minimum exterior side yard of 4.5 metres;
- c) to permit a minimum rear yard of 3.3 metres for the temporary sales trailer, when the By-law requires a minimum rear yard of 7.5 metres or 20% of the lot depth (being 7 metres), whichever is less;
- d) to permit a parking area within the front yard for the temporary sales trailer, when the By-law requires that the front yard on any lot, excepting the driveway (residential) shall be landscaped and no parking shall be permitted within this landscaped open space; and
- e) to permit a fence without a height of 1.5 metres in the front yard, 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,

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

1. That the temporary sales trailer be permitted for a maximum of three (3) years from the date of issuance of a building permit.
2. That the owner enters into a Development Agreement registered on title of the property prior to the issuance of a building permit, requiring that the temporary sales trailer be removed within three (3) years of the date of issuance of a building permit.

3. That the fence variance only be permitted while the temporary sales trailer is on the property.

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-1/19, A-16/19 & A-17/19

Owner: Zachary Fischer

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 88 Dean Avenue

In Attendance: Jeff Buisman
Zachary Fischer
Sarah Lowe
Dave Hume
Peter Morzo
Denise Morzo
Dorothe Fair
Bruce Ryan

Chair K. Ash 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 briefly explained the application through a PowerPoint presentation.

In response to a question from member K. Meads, Engineering Technologist S. Daniel responded that the hydro condition recommended by engineering staff is very generic, and the hydro condition from Alectra Utilities is in response to their review. In response to a suggestion from member K. Meads, Engineering Technologist S. Daniel confirmed that the engineering condition regarding hydro arrangements can be removed.

In response to a question from member K. Meads, Engineering Technologist S. Daniel responded that the engineering condition regarding telephone and cable service is generic for the reason that they are unaware of the type of material available by the utility company. Member K. Meads suggested that the condition be amended to reference service material types rather than utility providers. Engineering Technologist S. Daniel responded

that suggesting actual material types would not be advisable and indicated that the purpose of the condition is to just advise the owners that arrangements need to be made with the utility providers.

In response to a question from member L. Janis, Planner A. Watts responded that the condition regarding elevation and design drawings is a standard condition for a consent application. She indicated that the Official Plan has intensification policies that permits this type of condition.

In response to a question from member J. Smith, Engineering Technologist S. Daniel responded that a condition had been drafted by staff regarding the sidewalk extension to which he showed on the overhead projector and read out aloud.

In response to questions from member S. Dykstra, Engineering Technologist S. Daniel responded that staff have asked for additional plans to be submitted showing the sidewalk. He indicated that there was a sidewalk need assessment study completed in 2016 and this missing sidewalk segment was identified. He indicated that this condition will be incorporated into a development agreement which will be registered on title.

In response to questions from member S. Dykstra, Mr. J. Buisman responded that he could not confirm the exact rear yard setback for the existing dwelling. He also indicated that he recently received new building plans from the owner to which the proposed dwelling have smaller footprints than originally proposed. Member S. Dykstra noted that the side yard setback for the retained lot is now shown at 2.6 metres and the original drawing shows a 1.8 metre side yard.

In response to a question from Chair K. Ash, Mr. J. Buisman replied that the minimum side yard setback is 1.5 metres and he clarified that he was willing to commit to a 2.0 metre side yard minimum for the retained lot.

In response to a question from member D. Gundrum, Mr. J. Buisman responded that the proposal is for two storey dwellings.

Chair K. Ash noted that area for the proposed sidewalk is only the subject parcel and does not include 1 Yonge Street, as the future sidewalk along 1 Yonge Street is yet to be determined. Engineering Technologist S. Daniel indicated that the cost of the sidewalk will be secured through this development and the construction of the remaining portion will be determined by Engineering staff.

Ms. D. Fair, resident of 1 Yonge Street, stated that she was not in support of the applications for the severance and minor variances as she felt the requests do not meet the four tests.

Mr. J. Buisman responded that staff is supportive of the application and that similar applications in the neighbourhood have been supported in the past.

In response to a question from member J. Smith, Ms. D. Fair responded that she believed the two new dwellings under construction on Young Street are not in keeping with the atmosphere and environment of the neighbourhood.

Ms. S. Lowe, resident of 91 Dean Avenue, indicated she was opposed to the development and expressed concerns about the possible negative impact on the character of the neighbourhood, small lot sizes, and size of the double car driveways and garages being

compatible with the neighbourhood. She indicated that the trees on the property are a big part of the neighbourhood. She recommended two conditions be imposed requiring an entrance façade on the side of the house and tree protection if the development was approved.

In response to a question from member K. Meads, Planner A. Watts responded that the requested condition regarding the façade can be reviewed through condition recommended by staff requiring elevation and design drawings. She noted that staff do not have the authority to enforce an entrance on a specific street frontage.

In response to a question from member J. Smith, Ms. S. Lowe responded that she would prefer one house on the lot, even if it was bigger than the current house to preserve the green space and the trees.

In response to questions from member J. Smith, Planner A. Watts confirmed that a possible replacement dwelling could be three storeys high and indicated that there are two existing driveways on Dean Avenue and Rodney Boulevard.

In response to questions from member L. Janis, Planner A. Watts responded that this property is not subject to the Private Tree Protection By-law and therefore there is no authority to require tree compensation. Planner L. Sulatycki clarified that the subject property is less than 0.2 hectares, and therefore not subject to the By-law.

In response to a question from member L. Janis, Planner L. Sulatycki clarified that condition requiring cash in-lieu-of parkland dedication is independent of the trees and the Private Tree Protection By-law.

Mr. B. Ryan, representative of the Old University Neighbourhood Residents' Association, briefly outlined the concerns from those who attended their executive meeting, that there will be too much crowding as the proposal is to build to the maximum capacity that the lot allows.

In response to a question from member J. Smith, Mr. B. Ryan responded that the Association's executive does not oppose the Zoning By-law requirements, regardless of whether they are in favour of the proposal or not.

Mr. P. Marzo, resident of 3 Yonge Street, expressed concerns that the two proposed houses will look out of place and does not feel that adding two homes is the right approach. Mr. P. Marzo recognized the interest in severing large lots, but noted that this older area should retain its vibrancy and its look.

In response to a question from member J. Smith, Mr. P. Marzo responded that one larger home three storeys high would be difficult to sell because it would not fit in the with the overall area.

Mr. J. Buisman provided concluding remarks outlining that the intent of the Official Plan is to embrace change and intensification. He indicated that a number of severances have previously occurred in the Old University area that have been successful and he felt that this proposal will also be successful. He also outlined that if one larger home was built on the existing lot, the footprint of the house would be the same as the combined footprint of the two proposed houses.

In response to a question from member S. Dykstra, Mr. J. Buisman responded that that a porch has been considered along Dean Avenue, but the house design and entrance has not been finalized yet. He indicated that the condition requiring elevation and design drawings will address this and ensure it fits in with the neighbourhood.

In response to a question from member D. Gundrum, Planner A. Watts responded that she has looked at the surrounding neighbourhood and recognizes that there are a lot of different varying shapes and lot frontages. She stated that the proposed houses are considered compatible and believed they can co-exist with the residential neighbourhood surrounding the property. She noted that the lot frontages of the two proposed lots are also slightly larger than what is typical for new development.

File B-1/19

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 S. Dykstra
Seconded by J. Smith

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Lot 1, Registered Plan 464, currently known as 88 Dean Avenue, a parcel with frontage along Rodney Boulevard of 18.1 metres and an area of 460 metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated January 15, 2019, and amended February 13, 2019, project number 26540-18, be **APPROVED** subject to the following conditions:

1. That a plan shall be submitted to, and approved by the General Manager of Planning and Building Services, prior to the issuance of a building permit for the new dwellings on the "severed" and "retained" parcels indicating the location and design of the new dwellings.
2. That prior to the issuance of a building permit, elevation and design drawings for the new dwellings on the "severed" and "retained" parcels shall be submitted to, and approved by the General Manager of Planning and Building Services.
3. That prior to the issuance of the Certificate of Official, the existing house shall be demolished.
4. That the owner(s) agrees to pay the actual cost of the construction of the service lateral, curb cuts to the proposed severed and retained lands including the cost of all restoration works. The owner(s) agrees to pay the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
5. Prior to issuance of the Certificate of Official, the owner(s) shall submit detailed engineering plans for the severed/retained lot indicating such items as proposed servicing, grading and drainage, erosion and sediment control and access to the satisfaction of the General Manager/City Engineer. A Professional Engineer shall certify plans.

6. Prior to issuance of the Certificate of Official, the developer shall submit a stormwater management report to the satisfaction of the General Manager/City Engineer. Such report is to be certified by a Professional Engineer and is to be prepared in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's Stormwater Management Practices Planning and Design Manual.
7. Prior to issuance of the Certificate of Official, the owner(s) shall submit a scoped hydrogeological assessment certified by a Professional Engineer, to the satisfaction of the General Manager/City Engineer. This assessment will review the groundwater elevation in relation to the proposed basement elevations and provide an opinion on the neighbours concern about groundwater flow being impacted by the proposed basements.
8. Prior to issuance of the Certificate of Official, the owner(s) shall submit a geotechnical report, certified by a Professional Engineer, to the satisfaction of the General Manager/City Engineer.
9. Prior to issuance of a building permit, the owner(s) 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.
10. That the owner(s) constructs the new dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
11. That the owner(s) 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.
12. The owner(s) shall ensure that all telephone service and cable TV service is available to the lands. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of utility services, prior to the issuance of a building permit.
13. Prior to the issuance of a building permit, the owner shall pay to the City the estimated costs associated with the construction of the future sidewalk across the entire frontage of the retained and served lands as determined by the City Engineer. Furthermore, the owner(s) agrees to pay the actual cost of the sidewalk across the entire frontage of the property, and pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
14. The owner shall be responsible for the payment in lieu of conveyance of parkland pursuant to s.42 of the Planning Act and in accordance with the City of Guelph's Parkland Dedication By-Law (2019)-20366 or any successor thereof, prior to issuance of any building permits.

15. That prior to issuance of a building permit, the owner makes satisfactory arrangements with the Technical Services Department of Alectra Utilities, formerly Guelph Hydro, for the servicing of the newly created lot. The servicing costs would be at the applicant's expense.
16. That prior to issuance of the Certificate of Official, the owner transfers an easement over the required lands to protect Bell Canada's existing buried facilities and aerial facilities, to the satisfaction of Bell Canada. All costs associated with this transaction will be the responsibility of the owner.
17. That prior to the issuance of the Certificate of Official, the Owner/Developer shall enter into an agreement with the City, to be registered on title, satisfactory to the City Solicitor which includes the above conditions.
18. That Minor Variance applications A-16/19 and A-17/19 are approved at the same time as the consent application and become final and binding.
19. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
20. 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.
21. 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).
22. 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.

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

File A-16/19

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 S. Dykstra
Seconded by J. Smith

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 (i) and Table 5.1.2 Row 6a of Zoning By-law (1995)-14864, as amended, for 88 Dean Avenue, to permit a minimum exterior side yard of 4.5 metres, when the By-law requires that that the minimum exterior side yard shall be 6 metres or the average of the setbacks of the adjacent properties [being 5.85 metres], be **APPROVED** subject to the following condition:

1. That Consent Application B-1/19 receive final certification of the Secretary-Treasurer and be registered on title.

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

Member D. Gundrum abstained from voting on file A-16/19.

File A-17/19

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 S. Dykstra
Seconded by J. Smith

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 Row 3 of Zoning By-law (1995)-14864, as amended, for 88 Dean Avenue, to permit a minimum

lot area of 420 square metres, when the By-law requires that the minimum lot area in a R.1B zone be 460 square metres, be **APPROVED** subject to the following conditions:

1. That Consent Application B-1/19 receive final certification of the Secretary-Treasurer and be registered on title.
2. That the left side yard setback of the retained parcel be a minimum of 2 metres.

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

Staff Announcements

There were no staff announcements.

Adjournment

Moved by K. Meads
Seconded by D. Gundrum

THAT the hearing of the Committee of Adjustment be adjourned at 6:02 p.m.

CARRIED

K. Ash
Chair

M. Singh
Acting Secretary-Treasurer