

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday July 9, 2015 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

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

Regrets: M. Bosch

Staff Present: M. Witmer, Planner
T. Russell, Secretary-Treasurer
D. McMahon, Council Committee Coordinator

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Meeting Minutes

Moved by D. Kendrick and seconded by L. Janis,

“THAT the Minutes from the June 11, 2015 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

Other Business

Secretary-Treasurer T. Russell noted that an Ontario Municipal Board (OMB) decision regarding 620 Scottsdale Drive (File A-120/14) was received. A copy of the decision was provided to the Committee members.

Secretary-Treasurer T. Russell noted that a revised Notice of Public Hearing was mailed out on July 9, 2015 regarding the consent and minor variance applications for 45 Stuart Street (Files B-17/15, A-58/15, and A-59/15), which are scheduled to be heard on July 23rd. The notices were revised to include a corrected circulation map. Copies of the revised notice were provided to the Committee members.

Application: B-6/15

Owner: 1123782 Ontario Limited

Agent: Astrid Clos, Astrid J. Clos Planning Consultants

Location: 30 Wilbert Street

In Attendance: Astrid Clos

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. A. Clos, agent for the owner, replied that the sign was posted and comments were received.

Ms. A. Clos provided background regarding the previous minor variance approval (File A-9/15) to permit a metal fabricating use and referenced the letter from the neighbouring church at 40 Wilbert Street. She provided a package to the Committee members with the zoning map and a copy of the 2013 Environmental Noise Guidelines from the Ministry of Environment. She clarified that the guidelines do not apply to the neighbouring church because of the commercial zoning of the church property. The package also included a copy of letter from the property owner to the church regarding the concerns expressed.

In response to a question from Committee member S. Dykstra, Ms. A. Clos clarified that the metal fabricating use is proposed for the retained parcel.

In response to a question from Committee member L. Janis, Planner M. Witmer provided a copy of the permitted uses for the SC.2 zone on the overhead projector.

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 K. Ash and 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 Block 1, Registered Plan 61M-126, municipally known as 30 Wilbert Street, a parcel with a frontage of 101 metres and a depth of 120.8 metres, be approved, subject to the following conditions:

1. That prior to issuance of a building permit, the applicant makes arrangements for the hydro servicing to the severed lands, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
2. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to July 14, 2016.
3. 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.
4. 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.
5. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.

Carried

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.

Application: A-46/15

Owner: Fergus Bandy

Agent: Brian Lloyd, DSB Claims Solutions Inc.

Location: 34 Chesterton Lane

In Attendance: Brian Lloyd

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. B. Lloyd, agent for the owner, replied that the sign was posted and comments were received.

The Committee had no questions for the agent.

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 and seconded by K. Ash,

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 4.7 Row 3 of Zoning By-law (1995)-14864, as amended, for 34 Chesterton Lane, to permit a minimum setback of 0.5 metres from the left side lot line for the existing open, roofed porch, when the By-law requires that for an open, roofed porch not exceeding one storey in height, a minimum setback from a side lot line of 0.6 metres be provided, be approved.

Carried

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.

Application: A-47/15
Owner: Kelly MacDonald
Agent: Alvin Brown, AWB Construction, Consultant & Design
Location: 161 Maple Street
In Attendance: Kelly MacDonald
Alvin Brown

Secretary-Treasurer T. Russell notified the Committee that correspondence has been received after the comment deadline from Mr. W. Scott, and Ms. M. Schnurr in support of the

application. Correspondence from Mr. C. Schnurr was also received clarifying that he was the neighbour referenced in the letter from the Old University Residents' Association and that he does not oppose the application. Copies of the correspondence were provided to the 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. A. Brown, agent for the owner, replied that the sign was posted and comments were received.

Mr. A. Brown referenced the letter from the Old University Neighbourhood Residents' Association Inc. and that the percentage specified in the letter may be in error.

The Committee had no questions for the owner or agent.

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 and 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 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 161 Maple Street, to permit an accessory apartment to have an area of 98.1 square metres (25.2% of the total floor area), when the By-law requires that an accessory apartment 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.

Carried

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.

Application: A-48/15

Owner: Humayon Beg

Agent: N/A

Location: 6 Tolton Drive/5 Laughland Lane

In Attendance: Craig Scott
Humayon Beg

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. Scott, neighbour representing the owner, replied that the sign was posted and he was unsure if the owner received comments. A copy of the comments was provided to the owner by the Secretary-Treasurer at the hearing.

Mr. C. Scott said explained that he was a neighbour and the owner has language difficulties. He explained that parking has been an issue in the neighbourhood.

Planner M. Witmer clarified that there was an error in the comments provided by Planning staff. He explained that he incorrectly stated that the second driveway could accommodate three vehicles, when it can only accommodate two vehicles.

In response to a question from Committee member K. Ash, Secretary-Treasurer T. Russell confirmed that the exact same application request was made at the hearing on November 20, 2014.

In response to a question from Committee member K. Ash, Planner M. Witmer confirmed that the maximum driveway width in the R.1C zone is 6 metres. He explained that the building permit for the coach house was likely issued prior to the current Zoning By-law.

Committee member K. Ash expressed concern about the cumulative total of the width of the existing driveway plus the second driveway and if an additional variance was required. Planner M. Witmer responded that since the driveways are not connected he did not believe a variance for the width is required.

Mr. C. Scott explained that a second driveway has already been permitted on two other properties on the street. Planner M. Witmer clarified there were variances granted for second driveways on two existing properties on the street, but he noted that these variances were granted as a result of a building permit being issued in error since the properties could not accommodate the minimum parking required. He clarified that this is not the case for the subject property as it is only required to have 3 parking spaces.

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

Chair B. Birdsell clarified that there are 4 parking spaces available including two spaces inside the garage and two spaces outside the garage and only 3 parking spaces are required under the Zoning By-law regulations.

In response to a question from Committee member D. Kendrick, Planner M. Witmer clarified that in regards to the mention of an overabundance of parking in the staff comments, that the subject property already has the minimum parking required and by permitting this request it is allowing areas intended to have soft landscaping to be replaced with parking areas.

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

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

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 ii) of Zoning By-law (1995)-14864, as amended, for 6 Tolton Drive/5 Laughland Lane, to permit a second driveway access to the left of the existing detached garage (coach house), when the By-law requires that one driveway access only be created per residential property, be refused.

REASONS:

This application is refused, as it is the opinion of the Committee that this request for a second driveway access is not desirable for the appropriate development of the land.

Carried

Application: A-49/15

Owner: Mar-Cot Properties Inc.

Agent: Nancy Shoemaker, Black, Shoemaker, Robinson & Donaldson Limited

Location: 150 Regal Road

In Attendance: Nancy Shoemaker
Jeff Cassidy

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. N. Shoemaker, agent for the owner, replied that the sign was posted and comments were received.

Ms. N. Shoemaker provided background of the application and indicated she was in support of the staff report and conditions.

In response to a question from Committee member L. Janis, owner Mr. J. Cassidy replied that his business repairs and sells other transport trucks, such as class "A" trucks. He indicated that the trucks will be displayed behind the existing fence and will likely only have a maximum of five trucks on display at a time.

In response to a question from Committee member S. Dykstra, Ms. N. Shoemaker clarified that for condition 2 the owner needs to have the ability to provide 36 parking spaces. Committee member S. Dykstra suggested that condition 2 be amended to specify that the display must occur behind the security fence. Chair B. Birdsell clarified that obstruction means blocking access not visual obstruction.

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 S. Dykstra and 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 7.1.3.1 of Zoning By-law (1995)-14864, as amended, for 150 Regal Road, to permit a vehicle sales establishment (truck sales) as an accessory use to a vehicle repair shop, when the By-law does not permit a vehicle sales establishment, be approved, subject to the following conditions:

1. That outdoor storage and display of vehicles not be permitted in the front yard.
2. That vehicles for display not obstruct any legal off-street parking space.

Carried

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.

Application: A-50/15

Owner: Woodlawn Investments Inc.

Agent: Nancy Shoemaker, Black, Shoemaker, Robinson & Donaldson Limited

Location: 251 Exhibition Street

In Attendance:

Nancy Shoemaker	Stephen Haid
Joyce Herbinson	James Fryett
Michael Barry	Michael Balnar
Elyse Barry	Bernard Guignard
Emerson Ferrier	George Shirton
Kirk Ferrier	Luanne Shirton
David Patterson	Geoff Wright
Julian Zilio	Shelia McClelland
Lisa McCann-Zilio	Kelly McCainn
Shirley Scroccaro	Megan Daly
Vince Scroccaro	David Harvey
Suzanne Patterson	Mylene Ward
Thalma Grant	
Todd Craig	
Andrea Smallwood	

Secretary-Treasurer T. Russell notified the Committee that correspondence has been received after the comment deadline from Mr. S. Haid, Ms. L. Shirton and Mr. Shirton, Ms. S. Scroccaro, and Ms. L. McCann-Zilio in opposition of the application. Copies of the correspondence were provided to the members.

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. N. Shoemaker, planning consultant for the project, replied that the sign was posted and comments were received.

Ms. N. Shoemaker acknowledged the letters received and that the owner will take the neighbourhood's comments into consideration. She explained that most of the issues are site plan issues which are not under the Committee's jurisdiction. She discussed the purpose of the three requested variances and indicated she is in support of the recommended conditions.

Committee member K. Ash expressed concern that the sign posted on the property did not adequately reflect the purpose and effect of the application. Chair B. Birdsell indicated the notice mailed to the property owner had the three variances listed. Committee member K. Ash made a motion to defer the application so that a proper sign could be posted, but no other members seconded the motion. Committee member S. Dykstra commented that he believed the sign was adequate in what it was trying to achieve.

In response to a question by Committee member D. Kendrick, Planner M. Witmer explained the second variance is required based on the building height.

In response to a question by Committee member P. Ross, Chair B. Birdsell explained that visually the development will look more like townhouses, but will be classified as apartment buildings. Committee member P. Ross expressed concern that the design of the building will encourage on-street parking. Planner M. Witmer replied that dedicated parking spaces will be provided to units and developments with front doors facing the street create a more interactive streetscape.

In response to a question by Committee member L. Janis, Ms. N. Shoemaker indicated that the owner is looking to relocate the garbage containers through the site plan approval process. Planner M. Witmer indicated that through the site plan process the City encourages public pickup of waste for apartment buildings rather than private pickup.

Chair B. Birdsell clarified to the public attending that the Committee was considering three variances in question. Planner M. Witmer read the three variances aloud and showed them on the screen.

Mr. J. Fryett, architect, stated that he had pre-consulted with staff and explained the rationale behind the requested variances and showed the site plan on the screen.

As a result of a suggestion by Committee member D. Kendrick, Planner M. Witmer read the proposed conditions aloud for the benefit of those attending.

In response to a question by Committee member P. Ross, Planner M. Witmer explained that the site plan approval process is not a public process and the authority for approval has been delegated to the General Manager of Planning, Building, and Urban Design Services. He noted that there may be some opportunity when the applicant is nearing final approval to present plans to the public for a limited time period.

Committee member L. Janis noted an error in the street name mentioned in the condition recommended by Guelph Hydro. Planner M. Witmer indicated that he could not speak on behalf of Guelph Hydro and that the Committee could change the wording if needed.

Mr. T. Craig, resident of Verney Street, expressed concerned about size and massing of the building on the neighbourhood. He also expressed concern about potential loss of sunlight,

visual obstruction of balconies, potential damage of large mature trees, loss of screening, and potential of odors and pests as a result of the deep well garbage containers. He also expressed concerns about the ownership style, access, and use of parking.

Mr. J. Zilio, stated he has family in the area, and expressed concern about the doors facing the street and the potential for residents to park on the street. He also expressed concerned about the deep well garbage containers and damage to tree roots.

Ms. S. McClelland, resident on Exhibition Street, express concern about residents parking on the street and potential shadowing.

One of the owners, Mr. M. Balnar, explained his property management company and stated that he will work with staff to address these issues and have tried to design the buildings to fit the neighbourhood as much as possible.

In response to a question from Committee member D. Kendrick, Chair B. Birdsell recommended that the condition from Guelph Hydro be amended to replace the wording of Glasgow Street with the appropriate street.

Committee member P. Ross suggested that a condition be added to allow for public consultation during the site plan process. Committee member K. Ash indicated that she did not think this could be added as a condition, but that it would be in the best interest of the owners to work with staff and the neighbourhood.

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

Moved by K. Ash and 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 Section 3.1, Table 5.4.2 Row 8, and Section 5.4.2.2.1, of Zoning By-law (1995)-14864, as amended, for 251 Exhibition Street,

- a) to permit the definition of an apartment building to include direct access to a unit from street level or through a common hall or entranceway, when the By-law requires that that the definition of apartment building is a building consisting of 3 or more dwelling units, where access to each unit is obtained through a common entrance or entrances from the street level and subsequently though a common hall or halls, but does not include a maisonette building;

- b) to permit a minimum side yard of 3 metres, when the By-law requires that the minimum side yard be equal to one-half the building height [4.5 metres], but not less than 3 metres; and
- c) to permit the minimum distance between buildings to be 11.7 metres, when the By-law requires that the distance between the face of one building and the face of another building either of which contains windows of habitable rooms, shall be one-half the total height of the two buildings, and in no case less than 15 metres;

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 applicant shall demonstrate efforts to maximize tree preservation in accordance with the Official Plan and Private Tree By-law (2010)-19058, or any successors thereof, to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
3. That the applicant prepare and submit a Tree Inventory, Preservation and Compensation Plan undertaken by a qualified Arborist in accordance with the Private Tree By-law, to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
4. That prior to site plan approval, the applicant shall demonstrate appropriate measures to the satisfaction of the General Manager of Planning, Urban Design and Building Services to buffer the site from adjacent residential properties, such as, but not limited to soft landscaping and fencing.
5. That prior to issuance of a building permit, the owner make satisfactory arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the servicing of the new lot. The owner must also maintain 1.5m clearance of the proposed new driveway to the Guelph Hydro pole located on the appropriate street. If 1.5m clearance cannot be maintained, Guelph Hydro will relocate the pole at the owner's expense.

Carried

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.

The Committee recessed at 5:50 p.m. and resumed at 6:30 p.m.

Application: A-52/15
Owner: Aboul Rahmaty
Agent: N/A
Location: 5 Conroy Crescent
In Attendance: N/A

The owner was not present at the hearing.

Committee members did not observe a sign on the property.

Moved by D. Kendrick and seconded by K. Ash,

THAT Application A-52/15 for 5 Conroy Crescent, be deferred sinedie, and in accordance with the Committee's policy on applications deferred sinedie, 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.

Carried

REASONS:

This application is deferred so the applicant can attend the meeting and ensure the sign is adequately posted.

Application: A-53/15
Owner: Woolwich Management Group Ltd.
Agent: Patrick Meagher, Tacoma Engineers Inc.

Location: 24 Norwich Street East

In Attendance: Patrick Meagher

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

Mr. P. Meagher explained the background of the application. He explained that the existing parking agreement has worked well for the two properties.

In response to a question from Committee member D. Kendrick, Planner M. Witmer indicated that it is intended that the parking agreement would be registered on title and run with the properties and bind any future owners. Committee member D. Kendrick expressed concern about a possible change in use if the ownership changes.

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

Committee member D. Kendrick indicated he would support the application if the parking agreement was non-transferable and was only in effect for the current owner.

Moved by D. Kendrick and 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 4.13.1 of Zoning By-law (1995)-14864, as amended, for 24 Norwich Street East, to permit five (5) off-street parking spaces for 24 Norwich Street East to be located at 255 Woolwich Street, when the By-law requires that every off-street parking area shall be located on the same lot as the use requiring the parking,

be approved, subject to the following condition:

1. In accordance with Section 8.2.35.4 of the City's Official Plan, the property owner shall enter into a non-transferable agreement with the current owners only of 255 Woolwich Street (First Baptist Church) and the City, secured on title to both 24 Norwich Street East and 255 Woolwich Street agreeing to ensure the continued availability of five (5) parking spaces at 255 Woolwich Street as shown on the Key Parking Plan prepared by Tacoma Engineers in June 2014, and that such an agreement shall not exceed a period of twenty-one (21) years, less a day.

Not Carried

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 and seconded by K. Ash,

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 4.13.1 of Zoning By-law (1995)-14864, as amended, for 24 Norwich Street East, to permit five (5) off-street parking spaces for 24 Norwich Street East to be located at 255 Woolwich Street, when the By-law requires that every off-street parking area shall be located on the same lot as the use requiring the parking,

be approved, subject to the following condition:

1. In accordance with Section 8.2.35.4 of the City's Official Plan, the property owner shall enter into an agreement with the owners of 255 Woolwich Street (First Baptist Church) and the City, secured on title to both 24 Norwich Street East and 255 Woolwich Street agreeing to ensure the continued availability of five (5) parking spaces at 255 Woolwich Street as shown on the Key Parking Plan prepared by Tacoma Engineers in June 2014, and that such an agreement shall not exceed a period of twenty-one (21) years, less a day.

Carried

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.

Application: A-54/15

Owner: George Invanoff and Evelyn Schmitz-Hertzberg

Agent: Joel Bartlett, J. David McAuley Architect Inc.

Location: 153 King Street

In Attendance: Joel Bartlett
George Invanoff

Evelyn Schmitz-Hertzberg
Ben Ivanoff

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

Mr. J. Bartlett explained the proposed layout of the dwelling.

In response to a question from Mr. J. Bartlett, Planner M. Witmer indicated that since it was not specified in condition 2, an arborist is not required to complete the Tree Preservation Plan.

In response to a question from Mr. J. Bartlett, Chair B. Birdsell asked the applicant where the hydro pole was. Mr. J. Bartlett confirmed with was on King Street.

Committee member L. Janis expressed concern about the proximity of the garage to the laneway and if this will create concerns for winter maintenance. Mr. J. Bartlett indicated the owner is proposing some privacy fencing along the laneway. Planner M. Witmer showed photos of the property.

In response to a question from Committee member L. Janis, Mr. J. Bartlett confirmed that a single car garage is proposed.

In response to questions from Chair B. Birdsell and Committee members S. Dykstra, Planner M. Witmer indicated he did not know who owns the laneway, but assumed it was the City. Mr. G. Ivanoff, owner, indicated that the rear laneway is an easement that the City has for maintenance purposes of the laneway.

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 and seconded by P. Ross,

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Section 5.1.2.4, 5.1.2.7 (i), and Table 5.1.2 Row 14 of Zoning By-law (1995)-14864, as amended, for 153 King Street,

- a) to permit a setback from the rear lane of 2.7 metres (8.8 feet), when the By-law requires that buildings located on through lots shall have a setback the same as the nearest adjacent main building [13.6 metres – 155 King Street];
- b) to permit the garage and off-street parking space to be setback 2.7 metres (8.8 feet) from the street line, when the By-law requires that the minimum front yard shall be 6 metres or the average of the setbacks of the adjacent properties, and where the off-street parking space is located within a garage, the setback for the garage shall be a minimum of 6 metres from the street line; and
- c) to permit the attached garage to project beyond the main front wall of the building, when the By-law requires that attached garages shall not project beyond the main front wall of the building,

be approved, subject to the following conditions:

1. 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 indicating:
 - i. The location of the new dwelling;
 - ii. Elevations showing building materials and colours that are in keeping with the surrounding area built context;
 - iii. All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction;
 - iv. Grading, drainage and servicing information.
2. That prior to the issuance of any building or demolition permit(s), the applicant prepare and submit a Tree Preservation Plan to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
3. That no vegetation removal shall occur during the breeding bird season (May-June), as per the federal Migratory Birds Convention Act.
4. That prior to issuance of a building permit, the owner make satisfactory arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the servicing of the new lot. The owner must also maintain 1.5m clearance of the proposed new driveway to the Guelph Hydro pole located on King Street. If 1.5m clearance cannot be maintained, Guelph Hydro will relocate the pole at the owner's expense.

Carried

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.

Application: **A-55/15**

Owner: **Martin and Deborah Michaels**

Agent: **N/A**

Location: **140 Grange Street**

In Attendance: **Deborah Michaels**
 Mauro Franzoni

Secretary-Treasurer T. Russell notified the Committee that correspondence has been received after the comment deadline from Mr. M. Franzoni with concerns regarding the application. Also, additional comments from Mr. S. Robinson, Heritage Planner, have been provided. Copies of the correspondence were provided to the members.

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. D. Michaels, owner, replied that the sign was posted and comments were received.

Ms. D. Michaels clarified that she did not receive copy of the comments from Mr. M. Franzoni, but had spoken with him. She expressed concerns about having to complete a Tree Preservation Plan due to the large size of her property and the relevance to the requested height variance. She clarified some of the concerns presented in the correspondence from Mr. M. Franzoni. She showed photos of the property.

Committee member K. Ash noted that the stone shed and size was not shown on drawings. Ms. D. Michaels clarified that the location was shown on another drawing. Committee member K. Ash expressed concern that the stone shed might create an issue for the total lot coverage of accessory structures. Mr. M. Franzoni indicated that he had done some measurements and the shed was approximately 5.9 square metres in area.

In response to a question from Committee member D. Kendrick, Ms. M. Michaels replied that the purpose of the loft was for storage.

In response to a question from Committee member P. Ross, Ms. M. Michaels confirmed that it is her intention that no further trees will be removed and she would like to plant more.

In response to questions from Committee member P. Ross, Ms. M. Michaels responded that she did not know the exact cost to prepare a Tree Preservation Plan, but she estimated it would be in the thousands. She confirmed that the existing cedar hedge would remain.

Ms. M. Michaels stated she preferred to have all conditions removed as she is intending to protect the trees and finds the conditions quite onerous.

Planner M. Witmer indicated that the applicant had mentioned that the stone shed is roughly 8 feet by 8 feet, or 4.5 square metres in area, which would result in a total area of accessory structures being 67.1 square metres, so it would not exceed the maximum based on the information provided.

Committee member L. Janis stated she was unsure about the dimensions of the proposed garage.

Mr. M. Franzoni outlined his letter.

Ms. M. Michaels indicated she wants to maintain the historical value of the property and reiterated that she would like the conditions removed.

Committee member S. Dykstra commented that conditions 2 through 4 would likely be identified through the Tree Preservation Plan.

Committee member P. Ross suggested that all four conditions be removed, as the owner has indicated she will be protecting the trees, and his opinion was the conditions were not reasonable and not necessary to 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 S. Dykstra and seconded by K. Ash,

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for 140 Grange Street, to permit the proposed detached garage to have a height of 4.8 metres, when the By-law requires that in a residential zone, an accessory structure shall not exceed 3.6 metres in height, be approved, subject to the following condition:

1. That the applicant prepare and submit a Tree Preservation Plan in accordance with the Private Tree Protection By-law to the satisfaction of the General Manager of Planning, Urban Design and Building Services prior to undertaking activities which may injure or destroy regulated trees and prior to the issuance of a building permit.

Carried

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.

Application: **A-56/15**

Owner: **Stephen Skimson**

Agent: **Alvin Brown, AWB Construction, Consultant & Design**

Location: **10 Forest Hill Drive**

In Attendance: **Alvin Brown**
 Paul Langdon

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. A. Brown, agent for the owner, replied that the sign was posted and comments were received.

Mr. A. Brown indicated that the owner will apply for an encroachment agreement for the existing hedge. He said there are a few trees on the property and will consult staff for advice.

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

Committee member D. Kendrick noted that the condition from Guelph Hydro needs to be amended to acknowledge the appropriate street.

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 and 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 8 and Section 5.1.2.7 (i) of Zoning By-law (1995)-14864, as amended, for 10 Forest Hill Drive,

- a) to permit the second storey addition to be situated 1.0 metre from the rear lot line, when the By-law requires that the minimum rear yard shall be 7.5 metres or 20% of the lot depth [6.0 metres], whichever is less;
- b) to permit the second storey addition to be situated 2.0 metres from the exterior side lot line, when the By-law requires that the minimum exterior side yard shall be 6 metres or the average of the setbacks of the adjacent properties [4.6 metres]; and
- c) to recognize the existing garage setback of 2.1 metres from the street line, when the By-law requires that where the off-street parking space is located within a garage, the setback for the garage shall be a minimum of 6 metres from the street line;

be approved, subject to the following conditions:

1. That prior to the issuance of a building permit, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of an existing hedge row that encroaches on the Water Street road allowance; or
2. That prior to the issuance of a building permit, the owner shall remove the existing hedge row from the Water Street road allowance and/or have the existing hedge row relocated to the property line.
3. That the applicant prepare and submit a Tree Preservation Plan indicating Tree Protection Fence to the satisfaction of the General Manager of Planning, Urban Design and Building Services prior to undertaking activities which may injure or destroy regulated trees and prior to the issuance of a building permit.
4. That the applicant be requested to erect 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 construction activities prior the issuance of a building permit.
5. That the applicant contact the City's Environmental Planner to inspect the tree protection fence prior to the issuance of a building permit.
6. That prior to issuance of a building permit, the owner make satisfactory arrangements with the Technical Services Department of Guelph Hydro Electric

Systems Inc. for the servicing of the new lot. The owner must also maintain 1.5m clearance of the proposed new driveway to the Guelph Hydro pole located on the appropriate street. If 1.5m clearance cannot be maintained, Guelph Hydro will relocate the pole at the owner's expense.

Carried

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.

Committee member D. Kendrick stated that he was disappointed in the number of errors in the comments provided by Guelph Hydro and requested that the Secretary-Treasurer to forward this concern to Guelph Hydro.

The meeting adjourned by Committee member S. Dykstra at 7:26 p.m.

B. Birdsell
Chair

T. Russell
Secretary-Treasurer