



**COMMITTEE OF ADJUSTMENT
MINUTES**

The Committee of Adjustment for the City of Guelph held its Regular Hearing on Thursday June 14, 2018 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

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

Staff Present: T. Di Lullo, Secretary-Treasurer
L. Sulatycki, Planner
D. Tremblay, Council Committee Coordinator
M. Witmer, Planner

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by K. Ash
Seconded by L. Janis

THAT the Minutes from the May 10, 2018 Regular Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Requests for Withdrawal or Deferral

Application: A-41/18
Owner: Terra View Custom Homes Ltd.
Agent: Jim Fryett, James Fryett Architect Inc.
Location: 728 Eramosa Road
In Attendance: Melissa Wheeler
Thomas Wheeler

Secretary-Treasurer T. Di Lullo indicated that the agent had submitted correspondence requesting deferral of the application in order to address concerns raised by staff.

Moved by D. Kendrick
Seconded by K. Ash

THAT Application A-41/18 for 728 Eramosa Road, 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accordance with the Committee's policy on applications deferred sinedie, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of the application.

REASONS:

This application is deferred to allow the applicant time to address concerns raised by staff.

CARRIED

Application: A-49/18
Owner: Second Chance Employment Counselling (Wellington) Inc.
Agent: Jeff Buisman, Van Harten Surveying Inc.
Location: 177 Norfolk Street
In Attendance: None

Secretary-Treasurer T. Di Lullo indicated that the agent had submitted correspondence requesting deferral of the application in order to address concerns raised by staff.

Moved by S. Dykstra
Seconded by D. Gundrum

THAT Application A-49/18 for 177 Norfolk Street, 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accordance with the Committee's policy on applications deferred sinedie, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of the application.

REASONS:

This application is deferred to allow the applicant time to address concerns raised by staff.

CARRIED

Current Applications

Application: **A-40/18**
Owner: **Ajay and Reena Sharma**
Agent: **N/A**
Location: **25 Breesegarden Lane**
In Attendance: **Ajay Sharma**

Chair B. Birdsell questioned if the signs had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. A. Sharma, owner, responded that the sign was posted; however, he responded that he was unsure if staff comments were received. A copy of the comments was provided to the owner.

In response to a question from Chair B. Birdsell, Mr. A. Sharma confirmed that he wished to proceed with the application rather than requesting a deferral.

The Committee members 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. 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 4.13.7.2.3 of Zoning By-law (1995)-14864, as amended, for 25 Breesegarden Lane, to permit a maximum driveway width of 4.52 metres, when the By-law requires that a that driveway (residential) in a R.2 Zone shall have a maximum driveway width of 3.5 metres, be **REFUSED**.

REASONS:

This minor variance request 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 as outlined in the staff comments, specifically being that the requested variance does not meet the intent or purpose of the Zoning By-law, is not minor in nature and is not considered to be desirable for the appropriate development and use of the lands.

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-42/18**
Owner: **Ryan Avery**
Agent: **Jamie Baker, Earthscape**
Location: **48 Whetstone Crescent**
In Attendance: **Jamie Baker**
 Lori Avery

Secretary-Treasurer T. Di Lullo indicated that the correspondence was received after the comment deadline from Mr. J. Topping and Ms. S. Blackwell, residents of Miller Street, in opposition to the application. Correspondence in support of the application was received immediately prior to the start of the hearing from Mr. B. Greenwood, Ms. C. Kirby, and Ms. S. Bigelow, all residents of Whetstone Crescent. The correspondence was circulated 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. J. Baker, agent, responded that the sign was posted and comments were received.

In response to questions from member K. Ash, Mr. J. Baker indicated that he was in agreement with staff recommendation to refuse the variance for the existing shed. Ms. L. Avery indicated that the existing shed will be moved.

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 4.5.1 and 5.1.3.3.16.1.1 of Zoning By-law (1995)-14864, as amended, for 48 Whetstone Crescent, to permit the proposed cabana to be located in the exterior side yard with a setback of 0.91 metres, when the By-law permits an accessory building or structure to occupy a yard other than a front yard or required exterior side yard on a lot and requires a minimum exterior side yard of 4.5 metres, be **APPROVED**, subject to the following condition:

1. That the applicant maintain a 1.9 metre high fence in the exterior side yard, measured from the mid-point of the house to the rear property line.

REASONS:

This minor variance requests 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.

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 4.5.1 and 5.1.3.3.16.1.1 of Zoning By-law (1995)-14864, as amended, for 48 Whetstone Crescent, to permit the existing shed to be located in the exterior side yard with a setback of 0.6 metres, when the By-law permits an accessory building or structure to occupy a yard other than a front yard or required exterior side yard on a lot and requires a minimum exterior side yard of 4.5 metres, be **REFUSED**.

REASONS:

This minor variance request 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 as outlined in the staff comments, specifically being that the requested variance does not meet the intent or purpose of the Zoning By-law and is not considered to be desirable for the appropriate development and use of the lands.

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-43/18**
Owner: **Annia Kycia and Stan Lipkowski**
Agent: **N/A**
Location: **24 Ridgeway Avenue**
In Attendance: **Annia Kycia**

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. Kycia, owner, responded that the sign was posted and comments were received.

Ms. A. Kycia explained the application and showed drawings of the existing dwelling and proposed addition on the overhead projector.

In response to a question from member S. Dykstra, Ms. A. Kycia confirmed that a 6.1 metre driveway would be maintained at the property line.

In response to questions from member K. Ash, Ms. A. Kycia confirmed that a building permit had already been obtained. Planner M. Witmer clarified that the issued building permit is for a standard door, and the permit will need to be revised to permit a garage door.

In response to questions from member L. Janis, Planner M. Witmer stated that the property is regulated by the private tree by-law as the property is greater than 0.2 hectares and the trees located on the property will need to be protected. He clarified that the by-law applies regardless of the subject minor variance application and that all conditions are required.

In response to questions from Ms. A. Kycia, Planner M. Witmer clarified that the conditions are at the owner's expense and a qualified professional to complete the work would include an arborist or landscape architect. He indicated that the conditions are to the satisfaction of the General Manager of Planning, Urban Design and Building Services, so that the applicant can work with staff to satisfy the conditions.

In response to a question from member K. Ash, Planner M. Witmer explained that if only a building permit was required for the work, these specific conditions would not be applied to the permit; however, the trees are still required to be protected.

No members of the public spoke.

Member S. Dykstra recommended that a condition be added to limit the driveway width at the property line.

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, a variance from the requirements of Section 4.13.7.2.1 (ii) of Zoning By-law (1995)-14864, as amended, for 24 Ridgeway Avenue, to permit a maximum driveway width of 8.5 metres, when the By-law requires that a driveway (residential) in a R.1B Zone shall have a maximum width of 8.5 metres, 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 regulated trees, the applicant submit a Tree Preservation Plan (TIPP) prepared by an arborist and in accordance with the Private Tree Protection By-law (2010-19058) for approval and to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
2. That prior to undertaking activities which may injure or destroy regulated trees the applicant erect tree protection 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 in accordance with the approved TIPP and to the 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 regulated trees, the applicant submit a Landscaping, Compensation and Replacement Plan (LCRP) in accordance with the Private Tree Protection By-law (2010-19058) for approval to the satisfaction of the General Manager of Planning, Urban Design and Building Services, and the LCRP must be implemented.
4. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy trees, the applicant will provide securities covering a portion of the cost of the approved Landscaping, Compensation and Replacement Plan (LCRP) based on a cost estimate provided by a qualified professional and to the satisfaction of the General Manager of Planning, Urban Design and Building Services. Securities will be held until implementation of the LCRP.
5. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy regulated trees, and where replacement plantings are not achievable on the subject lands, the owner will provide cash in lieu payment in accordance with the Private Tree Protection By-law (2010-19058), to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
6. That the applicant contacts the City to inspect the tree protection fence prior to undertaking activities which may injure or destroy regulated trees.
7. That the undertaking of activities which may injure or destroy regulated trees occur outside of the breeding bird season (approximately April 1 to July 31) or include appropriate mitigation measures.
8. That the driveway be in general accordance with the Public Notice sketch.

REASONS:

This minor variance request 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-44/18**
Owner: **Shannon Scott and Adam Williamson**
Agent: **N/A**

Location: 20 Powell Street East

**In Attendance: Shannon Scott
Adam Williamson**

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

Ms. S. Scott outlined the application.

In response to a question from member L. Janis, Ms. S. Scott responded that the garage door will be removed and converted to living space.

In response to a question from member D. Gundrum, Ms. S. Scott explained that the 1.24 metre fence height is based on the existing height of the fence.

No members of the public spoke.

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

Moved by L. Janis
Seconded by P. Ross

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Table 5.1.2 Row 8, Sections 4.13.2.1 and 4.13.7.6 of Zoning By-law (1995)-14864, as amended, for 20 Powell Street East, to permit:

- a) a rear yard setback of 1.42 metres for the proposed single storey addition, when the By-law requires a minimum rear yard setback of 7.5 metres or 20% of the lot depth [being 4.08 metres], whichever is lesser;
- b) the required parking space to be located within 6 metres of the street line and the front of the front wall of the main building, when the By-law requires in R.1 Zone, every required parking space shall be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building; and
- c) the parking area located within the rear yard to be screened from adjacent properties with a 1.24 metre high fence, when the By-law requires in a R.1 Zone where the parking is situated in the rear yard, the parking area shall not be within 1 metre of any lot line and is to be screened from adjacent properties with a minimum 1.5 metre high solid fence or suitable landscaping,

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

1. That the addition be limited in height to one storey.
2. That the variances apply to the rear yard and parking area in general accordance with the Public Notice sketch.

REASONS:

These minor variance requests are 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-45/18**
Owner: **Brad Barrett**
Agent: **N/A**
Location: **24 Dumbarton Street**
In Attendance: **Brad Barrett**

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. Barrett, owner, responded that the sign was posted and comments were received.

Mr. B. Barrett briefly outlined the application.

The Committee members 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 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 Section 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for 24 Dumbarton Street, to permit a height of 5 metres for the proposed detached garage, when the By-law requires that an accessory building or structure in a residential Zone shall not exceed 3.6 metres in height, be **APPROVED**, subject to the following condition:

1. That the variance shall only apply to a detached garage in accordance with the location shown in the Public Notice sketch.

REASONS:

This minor variance request 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-46/18
Owner: 1626711 Ontario Inc.
Agent: Nancy Shoemaker, Black, Shoemaker, Robinson & Donaldson Limited
Location: 1123 York Road
In Attendance: Nancy Shoemaker

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, responded that the sign was posted and comments were received.

Ms. N. Shoemaker briefly outlined the application. Due to the location of the subject property in proximity to the Guelph Airpark, Ms. N. Shoemaker indicated that the Guelph Airpark Manager confirmed that the proposal would not interfere with the Airpark's height restrictions.

The Committee members had no questions for the agent. No members of the public spoke.

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

Moved by S. Dykstra
Seconded by P. Ross

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 7.3.7 of Zoning By-law (1995)-14864, as amended, for 1123 York Road, to permit a dust collector for the proposed woodworking operation with a maximum height of 15 metres, when the By-law requires that buildings or structures more than 133.2 metres north-east of the Watson Road street allowance as shown on Defined Area Map Number 58 shall not exceed a height of 9 metres, and rooftop appurtenance

thereto shall not exceed a height of 3 metres above the roof line, be **APPROVED**, subject to the following condition:

1. That the variance applies to the dust collector in general accordance with the Public Notice sketch.

REASONS:

This minor variance request 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-47/18
Owner: 2606657 Ontario Inc.
Agent: Nancy Shoemaker, Black, Shoemaker, Robinson & Donaldson Limited
Location: 70 Kirkby Court
In Attendance: Nancy Shoemaker

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, responded that the sign was posted and comments were received.

Ms. N. Shoemaker briefly outlined the application.

The Committee members had no questions for the agent. No members of the public spoke.

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

Moved by K. Ash
Seconded by L. Janis

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 7.1.1 of Zoning By-law (1995)-14864, as amended, for 70 Kirkby Court, to permit a storage facility as an additional permitted use on the subject property, when the By-law

permits a variety of uses in the B.1 Zone, including a warehouse, but does not currently permit a storage facility, be **APPROVED**.

REASONS:

This minor variance request 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

Applications: B-15/18 and B-16/18
Owner: John and Helen Drolc
Agent: Nancy Shoemaker, Black, Shoemaker, Robinson & Donaldson
Location: 745 Stone Road East
In Attendance: Nancy Shoemaker

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, responded that the sign was posted and comments were received.

Ms. N. Shoemaker acknowledged that she had received revised staff comments that modified the timing of the Engineering conditions and the addition of conditions regarding cash-in-lieu of parkland dedication.

The Committee members had no questions for the agent. No members of the public spoke.

Application B-15/18

Having had regard to the matters under Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the proper and orderly development of the land,

Moved by P. Ross
Seconded by D. Gundrum

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of the Eramosa Branch of the River Speed, Part Lot 1, East of Blind Line, Registered Plan 131, municipally known as 745 Stone Road East, a parcel with frontage along Stone Road East of 10.0 metres and an area of 0.8 hectares, as shown on a sketch prepared by Black,

Shoemaker, Robinson and Donaldson Limited dated May 10, 2018, be **APPROVED**, subject to the following conditions:

1. That prior to the issuance of a building permit, the Owner/Developer shall submit to the City, in accordance with Section 41 of the Planning Act, a fully detailed site plan indicating the location of the building, building design (elevations), landscaping, driveway, parking, lighting, septic system, well, grading, drainage, groundwater recharge, drainage and erosion and sediment controls on the said lands to the satisfaction of the General Manager of Planning, Urban Design and Building Services and the General Manager/City Engineer.
2. That prior to the issuance of Site Plan Approval, the Owner/Developer shall prepare and implement an Environmental Implementation Report (EIR), to the satisfaction of the General Manager of Planning, Urban Design and Building Services, which includes, but is not limited to:
 - a) A summary characterization of the Natural Heritage System within the study area, including an assessment of historic vegetation removal;
 - b) A description of the detailed development including lot configuration, building envelopes (house, driveway, garage, septic, well);
 - c) A detailed Tree Inventory and Preservation Plan by an Arborist with tree locations, removals and tree protection fencing;
 - d) A Landscape Plan depicting by a full member of the OALA compensation plantings as well as additional enhancement plantings (i.e. landscaping outside of buffers);
 - e) A restoration and management plan for the portions of Significant Woodland to be under planted. This restoration and management plan would provide details on which trees would be selective removed and where under-planting would occur as well as a management plan to ensure success of the restoration work;
 - f) A detailed Erosion and Sediment Control Plan;
 - g) A water management plan which includes site grading, drainage, stormwater LID measures, well and septic locations;
 - h) A lighting plan which depicts type and location of light fixtures and that there is no light spillage;
 - i) A monitoring program; and
 - j) Education and outreach material for future homeowner(s).
3. That the following warning clauses shall be incorporated into a future site plan control agreement, offers of purchase and sale or lease/rent for all new residential dwellings:

"Purchasers/Tenants are advised that due to the proximity of the City's Waste Resource Innovation Centre, odours may on occasion interfere with some activities of the dwelling occupants and sound levels from the Centre may at times be audible."

"Purchasers are advised that an Environmental Implementation Report (EIR) must be prepared by the Owner and approved by the City prior to the issuance of Site Plan approval."

4. That prior to the issuance of the Certificate of Official, the Owner/Developer shall enter into an agreement with the City, registered on title, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.
5. That the owner(s) shall deed a 5 metre wide road widening on Stone Road East at no cost to the City, free of all encumbrances and no risk to public health and safety and to the environment, prior to issuance of Certificate of Official.
6. The developer shall submit to the City a fully detailed site plan in accordance with section 41 of the Planning Act indicating the location of the building, driveway, septic system, well (if applicable), grading, drainage, groundwater recharge, and erosion and sediment controls on the said lands to the satisfaction of the General Manager/City Engineer.
7. Prior to the issuance of a building permit, the developer shall submit a stormwater management report that is certified by a Professional Engineer and is 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".
8. Prior to the issuance of a building permit, the developer shall submit a Phase One Environmental Site Assessment in accordance with O. Reg. 153/04 or CSA Z768-00 standard as per City Guideline, describing the current conditions of the subject property to the satisfaction of the City. If contamination is found, the consultant will determine its nature and indicate any necessary measures to manage the contamination at the developer's expense. The consultant shall also certify that all properties to be developed and/or conveyed to the City pose no risk to public health and safety and to the environment and can be developed for proposed.
9. That the Owner/Developer shall notify all future owners/tenants in agreements of purchase and sale/lease that future residential dwellings are required to connect to full municipal services once available and share in the cost of the municipal services in accordance with the City's cost-sharing policies.
10. 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 permits.
11. That the owner(s) shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of hydro service to the said lands, 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. 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 issuance of the Certificate of Official.
14. That prior to the issuance of the Certificate of Official, 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.
15. That prior to issuance of a building permit, the applicant makes arrangements for provision of underground hydro servicing to the newly created lots, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the applicant's expense.
16. 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.
17. 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.
18. 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).
19. 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 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

Application B-16/18

Having had regard to the matters under Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the proper and orderly development of the land,

Moved by P. Ross
Seconded by D. Gundrum

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of the Eramosa Branch of the River Speed, Part Lot 1, East of Blind Line, Registered Plan 131, municipally known as 745 Stone Road East, a parcel with frontage along Stone Road East of 10.0 metres and an area of 0.9 hectares, as shown on a sketch prepared by Black, Shoemaker, Robinson and Donaldson Limited dated May 10, 2018, be **APPROVED**, subject to the following conditions:

1. That prior to the issuance of a building permit, the Owner/Developer shall submit to the City, in accordance with Section 41 of the Planning Act, a fully detailed site plan indicating the location of the building, building design (elevations), landscaping, driveway, parking, lighting, septic system, well, grading, drainage, groundwater recharge, drainage and erosion and sediment controls on the said lands to the satisfaction of the General Manager of Planning, Urban Design and Building Services and the General Manager/City Engineer.
2. That prior to the issuance of Site Plan Approval, the Owner/Developer shall prepare and implement an Environmental Implementation Report (EIR), to the satisfaction of the General Manager of Planning, Urban Design and Building Services, which includes, but is not limited to:
 - a) A summary characterization of the Natural Heritage System within the study area, including an assessment of historic vegetation removal;
 - b) A description of the detailed development including lot configuration, building envelopes (house, driveway, garage, septic, well);
 - c) A detailed Tree Inventory and Preservation Plan by an Arborist with tree locations, removals and tree protection fencing;
 - d) A Landscape Plan depicting by a full member of the OALA compensation plantings as well as additional enhancement plantings (i.e. landscaping outside of buffers);
 - e) A restoration and management plan for the portions of Significant Woodland to be under planted. This restoration and management plan would provide details on which trees would be selective removed and where under-planting would occur as well as a management plan to ensure success of the restoration work;

- f) A detailed Erosion and Sediment Control Plan;
 - g) A water management plan which includes site grading, drainage, stormwater LID measures, well and septic locations;
 - h) A lighting plan which depicts type and location of light fixtures and that there is no light spillage;
 - i) A monitoring program; and
 - j) Education and outreach material for future homeowner(s).
3. That the following warning clauses shall be incorporated into a future site plan control agreement, offers of purchase and sale or lease/rent for all new residential dwellings:
- "Purchasers/Tenants are advised that due to the proximity of the City's Waste Resource Innovation Centre, odours may on occasion interfere with some activities of the dwelling occupants and sound levels from the Centre may at times be audible."
- "Purchasers are advised that an Environmental Implementation Report (EIR) must be prepared by the Owner and approved by the City prior to the issuance of Site Plan approval."
4. That prior to the issuance of the Certificate of Official, the Owner/Developer shall enter into an agreement with the City, registered on title, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.
5. That the owner(s) shall deed a 5 metre wide road widening on Stone Road East at no cost to the City, free of all encumbrances and no risk to public health and safety and to the environment, prior to issuance of Certificate of Official.
6. The developer shall submit to the City a fully detailed site plan in accordance with section 41 of the Planning Act indicating the location of the building, driveway, septic system, well (if applicable), grading, drainage, groundwater recharge, and erosion and sediment controls on the said lands to the satisfaction of the General Manager/City Engineer.
7. Prior to the issuance of a building permit, the developer shall submit a stormwater management report that is certified by a Professional Engineer and is 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".
8. Prior to the issuance of a building permit, the developer shall submit a Phase One Environmental Site Assessment in accordance with O. Reg. 153/04 or CSA Z768-00 standard as per City Guideline, describing the current conditions of the subject property to the satisfaction of the City. If contamination is found, the consultant will determine its nature and indicate any necessary measures to manage the contamination at the developer's expense. The consultant shall also certify that all properties to be developed and/or conveyed to the City pose no risk to public health and safety and to the environment and can be developed for proposed.

9. That the Owner/Developer shall notify all future owners/tenants in agreements of purchase and sale/lease that future residential dwellings are required to connect to full municipal services once available and share in the cost of the municipal services in accordance with the City's cost-sharing policies.
10. 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 permits.
11. That the owner(s) shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of hydro service to the said lands, 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. 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 issuance of the Certificate of Official.
14. That prior to the issuance of the Certificate of Official, 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.
15. That prior to issuance of a building permit, the applicant makes arrangements for provision of underground hydro servicing to the newly created lots, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the applicant's expense.
16. 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.
17. 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.

18. 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).
19. 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 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

Application: **A-48/18**
Owner: **Eric Small and Lauren Hill**
Agent: **N/A**
Location: **48 Mont Street**
In Attendance: **Eric Small**

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

In response to questions from member S. Dykstra, Planner L. Sulatycki responded that a home occupation is not permitted in an accessory building; however, the proposal is for a personal work space.

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 L. Janis

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.5.1.2 of Zoning By-law (1995)-14864, as amended, for 48 Mont Street, to permit the existing detached garage to be located 0.5 metres from the left lot line, when the By-law requires that an accessory building or structure is not located within 0.6 metres of any lot line, be **APPROVED**, subject to the following condition:

1. That the variance applies to the accessory building in general accordance with the Public Notice sketch.

REASONS:

This minor variance request 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

Other Business

Secretary-Treasurer T. Di Lullo reminded members of the special hearing taking place on June 28, 2018 at 4 p.m.

Adjournment

Moved by K. Ash
Seconded by L. Janis

THAT the hearing of the Committee of Adjustment be adjourned at 4:44 p.m.

CARRIED

B. Birdsell
Chair

T. Di Lullo
Secretary-Treasurer