



## COMMITTEE OF ADJUSTMENT MINUTES

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday March 9, 2017 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

B. Birdsell, Chair  
M. Bosch  
S. Dykstra  
L. Janis  
D. Kendrick  
P. Ross

Staff Present: L. Cline, Deputy Secretary-Treasurer  
D. McMahon, Council Committee Coordinator  
L. Sulatycki, Planner

### Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

### Approval of Minutes

Moved by M. Bosch  
Seconded by P. Ross

THAT the Minutes from the February 9, 2017 Regular Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

### Requests for Withdrawal or Deferral

**Application:** A-17/16, A-18/16, A-19/16, A-20/16, A-21/16, A-22/16, & A-23/16

**Owner:** 2382917 Ontario Inc.

**Agent:** N/A

**Location:** 1023 Victoria Road South (Blocks 33-39)

**In Attendance:** Kelley des Tombe

Ms. K. des Tombe, representative for the owner, requested that the applications be deferred as per the staff comments.

Moved by D. Kendrick  
Seconded by P. Ross

THAT applications A-17/16, A-18/16, A-19/16, A-20/16, A-21/16, A-22/16, and A-23/16 for 1023 Victoria Road South (Blocks 33-39), 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accordance with the Committee's policy on applications deferred sinedie, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.

REASONS:

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

CARRIED

Current Applications

**Application:** B-4/17  
**Owner:** Armel Corporation  
**Agent:** Kathryn Munn, McCarthy Tétrault LLP  
**Location:** 963 Paisley Road  
**In Attendance:** Mary Lee, McCarthy Tétrault LLP

Council Committee Assistant L. Cline noted that after discussion with the agent for this application, revised wording to condition #2 and #3 is being recommended to change the reference from the word deed to deed/instrument, as well as revising condition #1 to add "if required" after the word signatures.

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. M. Lee, agent for the owner, replied that the sign was posted and comments were received. Ms. M. Lee outlined 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 M. Bosch  
Seconded by L. Janis

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent to permit a long term lease in excess of 21 years for Block 1, Registered Plan 61M-53, except Part 6 on Reference Plan 61R-10459, municipally known as 963 Paisley Road, a parcel occupied by a TD Canada Trust bank building and associated drive-through, comprising an area of 685 square metres,

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

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

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions, 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-13/17**

**Owner:**                **Alicia & Harry Young**

**Agent:**                **N/A**

**Location:**            **21 University Avenue West**

**In Attendance:**      **Alicia Young**  
                              **Janet McLean**  
                              **Ross McLean**  
                              **Gabriel Karl**  
                              **Kathryn McConnell**

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. Young, owner, replied that the sign was posted and comments were received. Ms. A. Young briefly outlined the application.

Ms. J. McLean, resident of 8 Borden Street, raised concerns about the location and size of the proposed garage and second storey addition, as well as the number of inhabitants of the existing dwelling.

Mr. G. Carl, adjacent neighbour, raised concerns regarding the second storey addition that could increase the number of inhabitants, which could impact the level of noise and disturbance.

Ms. A. Young indicated that she lives in the neighbourhood and purchased the property to improve it. Ms. A. Young displayed the proposed elevation for the garage and second storey addition on the overhead projector and discussed how it will look in relation to the existing dwelling.

Mr. R. MacLean, resident of 8 Borden Street, expressed concerns that the decision to permit a lodging house within the existing dwelling was made without any neighborhood consultation, and the potential for that lodging house to expand, impacting traffic and noise levels.

Ms. L. Sulatycki, planner, clarified that the subject property is zoned R.1B and a Lodging House Type 1 is a permitted use within that zone. Ms. L. Sulatycki further clarified that the subject property is a licensed lodging house with ten licensed units, where the by-law permits up to twelve lodging units subject to the correct number of parking spaces being provided. Ms. L. Sulatycki indicated that from a planning perspective, there are no issues with the proposed rear yard setback and if the property wasn't a corner lot, the property owner could build a maximum of two storeys with a setback of 1.5 metres from the property line.

Ms. K. McConnell, neighbour to the owner, raised a question regarding the number of properties that one person is allowed to own in a neighbourhood.

In response to a question from member D. Kendrick, planner L. Sulatycki indicated that the lodging house within the subject property did not require a zone change as it is permitted under the R.1B zoning, subject to meeting certain requirements.

In response to a question from member L. Janis, planner L. Sulatycki clarified that the zoning by-law permits a maximum of twelve lodging units regardless of the number of parking spaces.

In response to a question from member S. Dykstra, planner L. Sulatycki indicated that two parking spaces can fit in the driveway along Borden Street and two other parking spaces can fit in the garage.

In response to a question from member S. Dykstra, planner L. Sulatycki stated that she wouldn't recommend reducing the existing driveway size as both the driveways are legal non-conforming, however it is up to the Committee's discretion to make that decision.

Ms. A. Young indicated that the driveways are existing conditions and would like to keep them the way they are.

In response to a question from member L. Janis, Ms. A. Young indicated that she would keep the existing lodging house as it is the best use for the property and her intentions are only to improve it.

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 M. Bosch

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 of Zoning By-law (1995)-14864, as amended, for 21 University Avenue West, to permit a rear yard setback of 1.5 metres,

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

1. That the variance only applies to the addition generally in accordance with the Public Notice Sketch.
2. That prior to the issuance of a building permit, the applicant makes arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the possible relocation of the existing hydro service. This would be at the applicant's expense.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions, 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-5/17**

**Owner:**                **Ian Bitton**

**Agent:**                 **Ian Jardine**

**Location:**            **108 Lemon Street**

**In Attendance:**      **Ian Botton**  
                                 **Gary Bolton**  
                                 **Michelle Bolton**

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

Mr. G. Bolton, adjacent property owner, raised a question regarding where the property stakes are located.

Mr. I. Bitton displayed a survey of the property on the overhead projector and indicated where the property stakes are located.

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 L. Janis

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Registered Plan 405, Lot 2 and Registered Plan 425, Part of Lot 6, municipally known as 108 Lemon Street, a parcel with a width of 30.39 metres, a depth of 7.64 metres and an area of 232 square metres, as a lot addition to Registered Plan 405 Lot 3 and Registered Plan 425, Part of Lot 6,

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

1. Prior to endorsement of deed the owner of 108 Lemon Street agrees to relocate the existing shed from the severed lands to the retained lands.
2. That upon fulfilling and complying with all of the above-noted conditions, the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement.
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 easement/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](mailto:cofa@guelph.ca)) or supplied on a compact disk.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions, 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-2/17  
**Owner:** Frank Sampogna  
**Agent:** Andrew Howarth, Howarth Contracting Inc.  
**Location:** 41 Aberdeen Street  
**In Attendance:** Andrew Howarth, Howarth Contracting Inc.

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. Howarth, agent for the owner, replied that the sign was posted and comments were received. Mr. A. Howarth briefly outlined the subject application.

In response to a question from member S. Dykstra, Mr. A. Howarth indicated that none of the existing trees will be removed with the exception of one that may in the way of a hydro line. Mr. A. Howarth clarified that staff will be consulted regarding tree protection during construction.

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 Table 4.7 Rows 1 and 12, Section 5.1.2.7 and Table 5.1.2 Rows 6 and 7 of Zoning By-law (1995)-14864, as amended, for 41 Aberdeen Street, to permit:

- a) a 0 metre setback from the front lot line for the existing uncovered front porch;
- b) a 0 metre setback from the front lot line for the existing exterior front stairs;
- c) a front yard setback of 2.44 metres; and
- d) a side yard setback of 0.61 metres,

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

1. That the front porch shall not be enclosed.
2. That the front porch and exterior stairs shall not be enlarged or extended.

3. That the side yard variance shall only apply to the left side yard in general accordance with the sketch attached to the Public Notice.
4. That prior to the issuance of a building permit and prior to undertaking activities which may injure or destroy City trees, the applicant submit a Tree Inventory and Preservation Plan (TIPP) for approval to the satisfaction of the Manager of Parks Operation and Forestry.
5. That the undertaking of activities which may injure or destroy trees occur outside of the breeding bird season (approximately April 1 to July 31) or include appropriate mitigation measures to the satisfaction of the Manager of Parks Operations and Forestry.
6. That prior to issuance of building permit, the owner(s) shall have an Ontario Land Surveyor prepare a survey of the property which can identify the property lines and the encroachment items.
7. That prior to issuance of building permit, the owner(s) applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of any items within the City's right of way.
8. That prior to the issuance of a building permit, the applicant makes arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the possible relocation of the existing overhead hydro service. This would be at the applicant's expense.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions, 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-98/16**  
**Owner:**               **Barbara Main**  
**Agent:**                **N/A**  
**Location:**           **868 York Road**  
**In Attendance:**      **Barbara Main**

Council Committee Assistant L. Cline noted that the applicant is requesting a refund of the deferral fee.

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. B. Main, owner, replied that the sign was posted and comments were received. Ms. B. Main outlined the subject application and requested that condition #7 requiring a survey prepared by an Ontario Land Surveyor be removed.

Planner L. Sulatycki stated that staff recommends condition #7 remain as the applicant will have to enter into an encroachment agreement with the City and staff will need to know exactly what areas of the property are within the city's right of way. Planner L. Sulatycki further stated that the survey submitted with the application is older and an up-to-date survey is required to confirm the building setbacks and the sunroom addition.

In response to a question from member D. Kendrick, Ms. B. Main indicated that the proposed building will be located in the exact same footprint as the existing building.

Planner L. Sulatycki stated that part of the driveway on the subject property is encroaching onto city property and Engineering staff want to confirm the exact setbacks of the existing house. Planner L. Sulatycki further clarified that there is a provision in the zoning by-law that allows for a survey prepared by an Ontario Land Surveyor to be requested for legal non-conforming uses to ensure that new buildings are constructed in exact same location.

In response to a question from S. Dykstra, Ms. B. Main indicated she would like that condition removed due to the significant cost of having a survey prepared.

In response to a question from D. Kendrick, planner L. Sulatycki indicated that if you build in the exact same location and don't increase the volume, the legal non-complying status remains, however the subject application increases the volume and adds a sunroom addition, therefore requiring permission from the Committee.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended; and

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 S. Dykstra

THAT in the matter of an application under Section 45(2)(a)(i) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to enlarge/extend the legal non-conforming use at 868 York Road, to permit an increase:

- a) in height to two storeys;
- b) in gross floor area of 20.3 square metres;
- c) in volume of 551 cubic metres; 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 Section 11.2.2.3 of

Zoning By-law (1995)-14864, as amended, for 868 York Road, to permit a front yard setback of 2.16 metres for the existing dwelling and a front yard setback of 5.23 metres for the sunroom addition,

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

1. That prior to the issuance of a building permit 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 City owned trees and where it is determined through the preparation of the TIPP that City tree removal is required; a certified Arborist must provide a written analysis of the reasons for the City tree's removal to the satisfaction of the Manager of Parks Operations and Forestry.
3. 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.
4. 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 on accordance with the Private Tree Protection By-law (2010-19058), to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
5. That the applicant contacts the City to inspect the tree protection fence prior to undertaking activities which may injure or destroy regulated trees.
6. That the undertaking or 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 to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
7. That prior to issuances of building permit, the owner(s) shall have an Ontario Land Surveyor prepare a survey of the property which can identify the property lines and the encroachment items.
8. That prior to issuance of building permit, the owner(s) applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of any items within the City's right of way.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions, this application conforms with Section 45(2) of the Planning Act and 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

Ms. B. Main requested a full refund of the deferral fee.

Planner L. Sulatycki indicated that there was no formal pre-consultation meeting for the application and an up-to-date survey wasn't provided, therefore staff does not support the refund request.

Moved by S. Dykstra  
Seconded by L. Janis

THAT 100% of the deferral fee being \$243.00 for application A-98/16 for 868 York Road be refunded to the applicant.

**Application: A-14/17, A-15/17 & A-17/17**

**Owner: 2382917 Ontario Inc.**

**Agent: N/A**

**Location: 1023 Victoria Road South**

**In Attendance: Kelley des Tombe**

Chair B. Birdsell 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 for the owner, replied that the sign was posted and comments were received. Ms. K. des Tombe outlined the proposed applications.

A-14/17

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

Moved by P. Ross  
Seconded by L. Janis

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 6a of Zoning By-law (1995)-14864, as amended, for 1023 Victoria Road South (Lot 102 in Block 30), to permit an exterior side yard setback of 4.0 metres,

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

A-15/17

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

Moved by P. Ross  
Seconded by L. Janis

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 6a of Zoning By-law (1995)-14864, as amended, for 1023 Victoria Road South (Lot 62 in Block 31), to permit an exterior side yard setback of 4.0 metres,

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

A-17/17

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

Moved by P. Ross

Seconded by L. Janis

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 6a of Zoning By-law (1995)-14864, as amended, for 1023 Victoria Road South (Lot 30 in Block 34), to permit an exterior side yard setback of 4.2 metres,

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-16/17**  
**Owner:**                 **2382917 Ontario Inc.**  
**Agent:**                 **N/A**  
**Location:**            **1023 Victoria Road South**  
**In Attendance:**       **Kelley des Tombe**

Chair B. Birdsell 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 for the owner, replied that the sign was posted and comments were received. Ms. K. des Tombe outlined the proposed application.

In response to a question from member S. Dykstra, Ms. K. des Tombe indicated that there was a forest located behind the property.

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, a variance from the requirements of Table 5.1.2 Row 8 of Zoning By-law (1995)-14864, as amended, for 1023 Victoria Road South (Lot 49 in Block 33), to permit rear yard setback of 5.2 metres,

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

1. That the 5.2 metre rear yard setback shall only be permitted on lot 49 in Phase 4B of draft plan of subdivision 21T-01508.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted condition, 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

Council Committee Assistant L. Cline advised that correspondence was received from the Ontario Municipal Board (OMB) regarding the appeal for 85 Mullin Drive (File A-100/16) and that a hearing date of Monday, May 29, 2017 has been set.

Adjournment

Moved by D. Kendrick  
Seconded by M. Bosch

THAT the hearing of the Committee of Adjustment be adjourned at 4:57 p.m.

CARRIED

B. Birdsell  
Chair

L. Cline  
Deputy Secretary-Treasurer