



**COMMITTEE OF ADJUSTMENT
MINUTES**

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday November 10, 2016 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

B. Birdsell, Chair
K. Ash, Vice Chair
M. Bosch
L. Janis
D. Kendrick
P. Ross

Regrets: S. Dykstra

Staff Present: D. McMahon, Acting Secretary-Treasurer
G. van den Burg, Council Committee Coordinator
L. Cline, Council Committee Assistant
M. Witmer, Planner
R. DalBello, Planner

Disclosure of Pecuniary Interest and General Nature Thereof

Chair B. Birdsell disclosed a conflict of interest regarding application A-84/16 for 199 Elizabeth Street as the applicant is a client of his.

Approval of Minutes

Moved by Bosch
Seconded by Ross

THAT the Minutes from the October 13, 2016 Regular Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Requests for Withdrawal or Deferral

Application: A-84/16
Owner: Herve Lebel
Agent: John Frank
Location: 199 Elizabeth Street
In Attendance: N/A

Acting Secretary-Treasurer D. McMahon noted that the applicant had indicated they were in agreement with the staff recommendation for deferral.

Moved by D. Kendrick
Seconded by L. Janis

THAT Application A-84/16 for 199 Elizabeth Street, be deferred sinedie, and in accordance with the Committee's policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.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

Application: A-90/16
Owner: Reid's Heritage Homes
Agent: N/A
Location: 190 Eastview Road
In Attendance: N/A

Acting Secretary-Treasurer D. McMahon noted that the applicant had indicated they were in agreement with the staff recommendation for deferral.

Moved by D. Kendrick
Seconded by L. Janis

THAT Application A-90/16 for 190 Eastview Road, be deferred sinedie, and in accordance with the Committee's policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.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-24/16
Owner: University of Guelph
Agent: Luke Boudreau
Location: 175 Chancellors Way
In Attendance: Luke Boudreau

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Dr. L. Boudreau, agent for the owner, replied that the sign was posted and comments were received. Dr. L. Boudreau briefly 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 K. Ash
Seconded by P. Ross

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 enter into a 49 year long-term lease, with two options for 10 years each, for Part of Lot 8, Concession 3, Division 'G', City of Guelph, designated as Parts 1,2,3,4,5,6 & 7 of Reg. Plan 61R-20885, municipally known as 175 Chancellors Way, a parcel to be occupied by a medical building, comprising an area of 7,813.5 square meters, be **APPROVED**, subject to the following conditions:

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

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets the criteria of section 51(24) of the Planning Act to which all consent applications must adhere.

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-22/16
Owner: 2298907 Ontario Inc.
Agent: Jacob Abbott, BBE Construction
Location: 320 & 322 Eastview Road
In Attendance: Jacob Abbott
Brian Collier
Sarbjit Bath
Claudio Balbinot

Acting Secretary-Treasurer D. McMahon noted that revised staff comments for B-22/16 were circulated to Committee members, staff, and neighbours within the circulation area and posted to Guelph.ca on the morning of November 8, 2016.

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. Abbott, agent for the owner, replied that the sign was posted and comments were received. Mr. J. Abbott briefly outlined the subject application and associated minor variances.

In response to a question from member K. Ash, Planner M. Witmer indicated that a previous minor variance relating to off-street parking for the subject property was still in effect.

In response to a question from member K. Ash, Planner M. Witmer indicated that the requested easements would ensure that sufficient parking existed for both buildings on the subject property if a severance occurs.

In response to a question from Chair B. Birdsell, Planner M. Witmer indicated that there is an active site plan control agreement on title for the drive-thru and it was approved in 2014.

In response to a question from member M. Bosch, Planner M. Witmer indicated there would be no physical reduction to the number of parking spaces on the subject property due to the proposed applications.

Planner M. Witmer noted that after the initial staff comments were released, engineering staff put forward revised conditions that encompass Planning Staff's condition number one and that condition number one can therefore be removed.

In response to a question from member K. Ash, Planner M. Witmer indicated that 105 parking spaces are provided on the retained parcel and 89 parking spaces are provided on the severed parcel, for a total of 194 parking spaces.

Mr. B. Collier, agent for the owner, indicated that due to the proposed severance, it made logical sense to create one parcel that complied with the parking requirements and one parcel that didn't, rather than having both not comply.

Mr. B. Collier indicated that if the severance wasn't approved the 194 parking spaces would still be legal due to a previous minor variance application that was approved.

Mr. S. Bath, property manager, indicated that the parking spots available on the site were sufficient for its current use, as only one third of the spots are used during peak hours.

In response to a question from member M. Bosch, Mr. S. Bath indicated that initial tenant for the drive-thru backed out due to financial reasons and it is unknown if the drive-thru will be used in the future.

Mr. C. Balbino, from the Agora Research Group, spoke in opposition of the proposed applications on behalf of a neighbouring property owner and indicated that the new severed lot would front against Watson Parkway which should require a zoning by-law review. Mr. C. Balbino also expressed concern regarding the reduction in parking on the retained lands, suggested the parking variance is premature, that the Committee of Adjustment would be setting a dangerous precedent by decreasing the parking requirements in the Service Commercial zone and that this application did not meet the four tests.

Mr. B. Collier indicated that nothing is going to change on the subject site due to the proposed applications and that the existing buildings cannot be expanded, therefore there is no impact on surrounding properties.

In response to a question from member M. Bosch, Planner M. Witmer indicated that minor variances do not set legal precedence so any future application would have to be considered on its own merit.

Planner M. Witmer indicated that parking could be added into the language of the easement.

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

Moved by K. Ash
Seconded by 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 Part of Block 112 of Reference Plan 61M-144 (proposed 'property severed area' as shown on a sketch by J. Abbott dated May 30, 2016, firm BCIN 34344), known municipally as 322 Eastview Street, an irregularly shaped parcel with frontage along Watson Parkway North of 25.989 meters, a depth of 102.572 meters and an area of 5,883.8 meters, along with reciprocal easements over the severed and retained lands for the purposes of access, utilities, servicing and parking, be **APPROVED**, subject to the following conditions:

1. That the owner of the servient tenement lands (proposed severed parcel, 322 Eastview Road, Part of Block 112, 61M-144), grants the dominant tenement lands (proposed retained parcel, 320 Eastview Road, Part of Block 112, 61M-144), a mutual right-of-way and reciprocal easements for municipal

services/maintenance, mutual vehicular access and circulation between each parcel. Furthermore, the right-of-way and reciprocal easements are to be endorsed, in perpetuity and registered on title, prior to endorsement of the deeds or within one (1) year of the consent, whichever occurs first.

2. That the owner of the dominant tenement lands (proposed retained parcel, 320 Eastview Road, Part of Block 112, 61M-144), grants the servient tenement lands (proposed severed parcel, 322 Eastview Road, Part of Block 112, 61M-144), a mutual right-of-way and reciprocal easements for municipal services/maintenance, mutual vehicular access and circulation between each parcel. Furthermore, the right-of-way and reciprocal easements are to be endorsed, in perpetuity and registered on title, prior to endorsement of the deeds or within one (1) year of the consent, whichever occurs first.
3. That prior to endorsement of the deeds, the solicitor for the owner of the servient tenement lands, (proposed severed parcel, 322 Eastview Road, Part of Block 112, 61M-144), certifies that the mutual right-of-way and reciprocal easements for municipal services /maintenance, mutual vehicular access and circulation, in favour of the dominant tenement lands, (proposed retained parcel, 320 Eastview Road, Part of Block 112, 61M-144), has been granted and registered on title.
4. That prior to endorsement of the deeds, the solicitor for the owner of the dominant tenement lands, (proposed retained parcel, 320 Eastview Road, Part of Block 112, 61M-144), certifies that the mutual right-of-way and reciprocal easements for municipal services/maintenance, mutual vehicular access and circulation, in favour of the servient tenement lands, (proposed severed parcel, 322 Eastview Road, Part of Block 112, 61M-144), has been granted and registered on title.
5. That prior to the endorsement of the deeds, property owners (Severed/Retained) enter into a development agreement with the City and register the agreement on title on both parcels severed/retained and shall include the following clauses:
 - a. That the reciprocal easement for mutual access and parking remain registered to both 320 and 322 Eastview Road in perpetuity.
 - b. That the reciprocal easement for utilities and servicing, including but not limited to water, sanitary sewer, storm sewer, hydro, natural gas and any telecommunications remain registered to both 320 and 322 Eastview Road in perpetuity.
 - c. The Severed Lands and the Retained Lands shall not in any circumstance deregister, release or abandon the above-noted easements or amend the terms of such easements without prior written consent from the City which consent may be unreasonably or arbitrarily withheld.
 - d. The Owner hereby covenant and agrees that if any of the current municipal servicing to the severed lands (including without limitation, water, sanitary, and/or storm sewer) is disconnected or becomes unavailable due to any circumstance the Owner of the Severed Lands shall immediately ensure that a new direct and separate underground connection to each of the affected City services shall be made directly to the City services from the Severed Lands at the sole cost of the

- Owner of the Severed Lands (including, without limitation, all frontage works)
- e. The Owner hereby covenants and agrees that in the event that any new development is proposed on the Severed Lands, the Owner of the Severed Lands shall ensure that a separate service connection is made to all City services directly from the Severed Lands.
6. That prior to endorsement of deed the applicant makes arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. to install a separate underground hydro service on the severed lands. This will be at the applicant's expense
 7. 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.
 8. 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.
 9. 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.
 10. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets the criteria of section 51(24) of the Planning Act to which all consent applications must adhere.

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-80/16**
Owner: **2298907 Ontario Inc.**
Agent: **Jacob Abbott, BBE Construction**
Location: **320 Eastview Road**
In Attendance: **Jacob Abbott**
 Brian Collier
 Sarbjit Bath
 Claudio Balbinot

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

Moved by K. Ash
Seconded by D. Kendrick

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.13.4.1 and Table 6.4.2 Row 3 of Zoning By-law (1995)-14864, as amended, for 320 and 322 Eastview Road to permit:

- a) one parking space per 21.89 metres of gross floor area for a total of 105 parking spaces for the retained lands (known municipally as 320 Eastview Road); and
- b) a minimum lot frontage of 25.99 metres for the severed lands (known municipally as 322 Eastview Road).

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-81/16
Owner: Andrew & Sandra Goss
Agent: N/A
Location: 26 Clarke Street
In Attendance: Andrew Goss

Acting Secretary-Treasurer D. McMahon noted the original public notice incorrectly referenced the exterior side yard where it should have referenced the right side yard only. A revised public notice was distributed to Committee members, staff and the public.

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

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

Moved by P. Ross
Seconded by 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 5.1.2.8 of Zoning By-law (1995)-14864, as amended, for 26 Clarke Street, to permit a right side yard of 1.05 metres,

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

1. That the variance only applies to the right side yard setback generally in accordance with the area as shown in the Public Notice sketch.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

Application: B-23/16
Owner: Gina Irene Macerollo
Agent: Jeff Buisman, Van Harten Surveying
Location: 180 & 182 Elizabeth
In Attendance: Jeff Buisman
Nancy (Macerollo) Orso

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. Buisman, agent for the owner, replied that the sign was posted and comments were received for files B-23/16, A-82/16 and A-83/16. Mr. J. Buisman briefly outlined the proposed applications for consent and associated minor variances.

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 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 Lot 8, Registered Plan 263 (proposed 'lands to be severed' as shown on a sketch prepared by Van Harten Surveying Inc. dated September 12, 2016, project no. 23845-16), municipally known as 180 Elizabeth Street, an irregular shaped lot with frontage along Elizabeth Street of 10.8 metres, a depth of 61.3 metres and an area of 660 square meters, be **APPROVED**, subject to the following conditions:

1. That prior to endorstation the owners deeds to the City free of all encumbrances a 2.0- metre wide parcel of land for a road widening across the entire frontage of the severed parcel municipally known as (180 Elizabeth Street) and retained parcel municipally known as (182 Elizabeth Street).
2. That prior to endorstation of deeds, the owner(s) applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of a covered porch with associated stairs/sidewalk, roof eaves and associated roof water leaders and portion of the driveways of both the retained parcel and the severed parcel will encroach on the new road allowance.
3. That prior to endorstation of the deeds, the owner(s) shall have an Ontario Land Surveyor prepare a reference plan identifying all property lines and all required easements.
4. That the Owner of the severed parcel municipally known as (180 Elizabeth Street) shall provide the proposed retained parcel municipally known as (182 Elizabeth Street) mutual right-of-way and reciprocal easement registered on title in perpetuity for mutual vehicular access and circulation between each parcel.

5. That the Owner of the retained parcel municipally known as (182 Elizabeth Street) shall provide the proposed severed parcel municipally known as (180 Elizabeth Street) mutual right-of-way and reciprocal easement registered on title in perpetuity for mutual vehicular access and circulation between each parcel.
6. That prior to the transfer of title to a subsequent owner(s), shall have an Ontario Land Surveyor prepare a reference plan identifying the easement and access.
7. 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.
8. 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.
9. 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.
10. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets the criteria of section 51(24) of the Planning Act to which all consent applications must adhere.

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-82/16**
Owner: **Gina Irene Macerollo**
Agent: **Jeff Buisman, Van Harten Surveying**
Location: **180 Elizabeth**
In Attendance: **Jeff Buisman**

Nancy (Macerollo) Orso

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 M. Bosch
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 4.13.3.2.4 and Table 5.1.2, Rows 4 and 7 of Zoning By-law (1995)-14864, as amended, for 180 Elizabeth Street, to permit:

- a) a driveway width of 1.6 metres;
- b) a lot frontage of 10.8 metres;
- c) a right side yard setback for an accessory building of 0 metres; and
- d) a left side yard setback of 0.9 metres.

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

1. That the reduced setbacks only apply to existing dwellings/accessory buildings/driveways as shown in the Public Notice sketch.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted condition of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

Application: **A-83/16**
Owner: **Gina Irene Macerollo**
Agent: **Jeff Buisman, Van Harten Surveying Inc.**
Location: **182 Elizabeth Street**
In Attendance: **Jeff Buisman**
 Nancy (Macerollo) Orso

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 M. Bosch

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 4.13.3.2.4, Table 5.1.2, Rows 4 and 7, and Table 4.7, Row 3 of Zoning By-law (1995)-14864, as amended, for 182 Elizabeth Street, to permit:

- a) a driveway width of 1.2 metres;
- b) a lot frontage of 9.1 metres;
- c) a left side yard setback of 1.2 metres;
- d) a right side yard setback of 0.1 metres; and
- e) a setback for an open, roofed porch of 0.4 metres.

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

1. That the reduced setbacks only apply to existing dwellings/accessory buildings/driveways as shown in the Public Notice sketch.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted condition of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

Application: A-85/16
Owner: GT Guelph 2 Holding Inc.
Agent: Stephen Gardiner, The Lakeshore Group
Location: 89 Dawson Road
In Attendance: Stephen Gardiner

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

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

Moved by D. Kendrick
Seconded by P. Ross

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 6.4.3.1.26.1 of Zoning By-law (1995)-14864, as amended, for 89 Dawson Road, to permit office use as an additional permitted use on the property,

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

1. That an office use be limited to 128 square metres (1,373 square feet) of floor area within the existing building.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

Application: **A-86/16**
Owner: **Kory & Daisy Hodgson**
Agent: **N/A**
Location: **26 Glenwood Avenue**
In Attendance: **Kory Hodgson**
 Derrick Hodgson
 Mike Vanderveldt

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. K. Hodgson, owner, replied that the sign was posted and comments were received. Mr. K. Hodgson briefly outlined the proposed application.

In response to a question from member M. Bosch, Planner R. DalBello indicated that landscaped space is open space intended to visually separate the properties through the use

of grass or trees. Planner R. DalBello also clarified that gravel would not be considered landscaped space but rather a driveway.

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 Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 26 Glenwood Avenue, to permit an accessory apartment size of 106.9 square metres, or 27.9% of the total floor area of the building,

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-87/16**
Owner: **Heidi McGill**
Agent: **Aleksandar Kolbas, AKA**
Location: **231 Woolwich Street**
In Attendance: **Aleksandar Kolbas**
 Heidi McGill

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

In response to a question from member D. Kendrick, Ms. H. McGill, owner, inquired about the difference between conditions, encouragements and suggestions. Ms. H. McGill also expressed concerns with the scope and cost of meeting the proposed conditions.

In response to a question from member D. Kendrick regarding the Tree Inventory & Preservation Plan (TIPP), Planner R. DalBello clarified that the condition only applies to City owned trees.

In response to question from member D. Kendrick, Planner R. DalBello indicated the conditions didn't require the applicant to hire an arborist to complete the TIPP.

Planner M. Witmer clarified that in most circumstances TIPP plans mandate the installation a hoarding fence around the drip line of the trees to ensure their protection during construction.

In response to a question from member K. Ash, Planner R. DalBello clarified that this is a standard condition required to protect City owned trees on the boulevard.

Planner M. Witmer indicated the City's Tree By-law stands alone and mandates protection of the trees; whether there is a minor variance application or not.

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

Moved by D. Kendrick
Seconded by P. Ross

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 6.5.2, Rows 4 and 6 of Zoning By-law (1995)-14864, as amended, for 231 Woolwich Street, to permit:

- a) an exterior side yard setback of 1.5 metres; and
- b) a right side yard setback of 0.6 metres.

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

1. That that variances only apply to the addition as generally shown in the Public Notice sketch.
2. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy City trees, the applicant submit a Tree Preservation Plan for approval to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
3. 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 General Manager of Planning, Urban Design and Building Services.
4. That, the owner(s) applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of an uncovered existing porch as shown in the site plan drawing.

5. That prior to the issuance of a building permit, the applicant make 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 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-88/16**
Owner: **John Reemeyer**
Agent: **N/A**
Location: **46 Queen Street**
In Attendance: **John Reemeyer**
 John Leacock

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. Reemeyer, owner, replied that the sign was posted and comments were received. Mr. J. Reemeyer briefly outlined 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 M. Bosch
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 5.1.2, Row 7 of Zoning By-law (1995)-14864, as amended, for 46 Queen Street, to permit a left side yard setback of 1 metre,

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

1. That the variance only apply to the left side yard setback generally in accordance with the Public Notice sketch.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted 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-89/16
Owner: Pamela Wright & Peter Mason
Agent: Chandler Cutler, Phenom Construction Inc.
Location: 16 Oriole Crescent
In Attendance: Chandler Cutler

Acting Secretary-Treasurer D. McMahon noted the original public notice incorrectly referenced the front side yard setback where it should have referenced the front yard setback only. A revised public notice was distributed to Committee members, staff, the public, and posted to Guelph.ca.

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. Cutler, agent for the owner, replied that the sign was posted and comments were received. Mr. C. Cutler briefly outlined the application.

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

Moved by D. Kendrick
Seconded by 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 6 of Zoning By-law (1995)-14864, as amended, for 16 Oriole Crescent, to permit a front yard setback of 5.16 metres,

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

1. That the reduced front yard setback applies to the area as shown in the Public Notice sketch.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

Application: A-69/16
Owner: Kameron Fordyce
Agent: Kregg Fordyce, KFA Architects + Planners Inc.
Location: 30 Forest Street
In Attendance: Kameron Fordyce

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

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 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 5.1.2.7 (i) of Zoning By-law (1995)-14864, as amended, for 30 Forest Street, to permit an exterior side yard of 1.5 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 City trees, the applicant submit a Tree Inventory and Preservation Plan (TIPP) for approval to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
2. That 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 General Manager of Planning, Urban Design and Building Services.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

Acting Secretary-Treasurer D. McMahon noted that a request for the deferral fee had been made by the applicant for A-69/16, 30 Forest Street.

Moved by M. Bosch
Seconded by L. Janis

THAT the deferral fee for file A-69/16, 30 Forest Street, not be refunded to the applicant.

CARRIED

Adjournment

Moved by M. Bosch
Seconded by K. Ash

THAT the hearing of the Committee of Adjustment be adjourned at 5:58 p.m.

CARRIED

B. Birdsell
Chair

D. McMahon
Acting Secretary-Treasurer