

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday November 20, 2014 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

R. Funnell, Chair
J. Hillen
B. Birdsell
C. Downer
K. Ash
L. McNair (arrived at 4:35 p.m.)

Regrets: None

Staff Present: M. Witmer, Planner
L. Sulatycki, Planner
T. Russell, Secretary-Treasurer
S. Samuel, Legislative Coordinator

Meeting Minutes

Moved by C. Downer and seconded by J. Hillen,

“THAT the Minutes from the October 30, 2014 Special Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

Declarations of Pecuniary Interest

Committee member B. Birdsell declared an interest with File B-29/14 as it involves a former client. Committee member J. Hillen declared an interest with File B-23/14 as it involves a current client and File A-116/14 as it is a conflict of interest.

Other Business

Secretary-Treasurer T. Russell provided the Committee members with a revised meeting schedule for 2014/2015 which includes a meeting date in January 2015. She advised that the remaining meeting dates for 2015 will be determined shortly.

Secretary-Treasurer T. Russell also provided updates to the City of Guelph Zoning By-law to those members who requested hard copies.

Secretary-Treasurer T. Russell notified the Committee that new members for the Committee will be appointed by Council at the December 8th, 2014 Council meeting. Letters advising applicants of their status will be sent out by Clerk's staff shortly after this meeting. Due to the number of new Committee members starting next year, Secretary-Treasurer T. Russell recommended that the existing members remain for the January 15th meeting, while the new members would be invited to attend and watch the January meeting. The new members would then officially start at the first meeting in February 2015.

Chair R. Funnell noted that due to her success in being elected as a member of Council, this was Committee member C. Downer's last meeting as a member of the Committee of Adjustment. Chair R. Funnell wished her well and expressed thanks for her contributions to the Committee.

Committee member J. Hillen left the room at 4:07 p.m.

Application: **B-23/14**

Owner: **Wellington Catholic District School Board**

Agent: **Brian Beatty, Black, Shoemaker, Robinson & Donaldson Limited**

Location: **265 Edinburgh Road North**

In Attendance: **Nancy Shoemaker**

Secretary-Treasurer T. Russell notified the Committee members that it has been discovered since the public meeting notice was mailed that 265 Edinburgh Road North and 54 Westmount Road have merged. As a result, the applicant now proposes to sever the parcel that was previously labelled as retained, in order to create a new 1.614 hectare parcel off of Edinburgh Road North and retain a 5.79 hectare parcel fronting off of Westmount Road. She advised that a lot addition is no longer proposed; however, the changes in the application will create the same end result as the original proposal. A revised sketch showing the changes was provided to the Committee members.

As the public meeting notice was prepared according to the original lot addition proposal, Secretary-Treasurer T. Russell advised the Committee that they will need to decide if adequate public notice has been given before making a decision.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. N. Shoemaker indicated that the sign was posted and that she received comments.

Chair R. Funnell asked the Committee members if they wished to proceed or defer the application. No Committee members responded.

Chair R. Funnell asked staff if the conditions will change as a result of the merging. Planner L. Sulatycki replied that comments from Planning Services and other departments would likely not change.

Committee member K. Ash noted that the first two conditions recommended by Engineering Services include wording referring to a lot addition. She indicated she was uncomfortable proceeding and would like Engineering to have another review to see if their comments would change. She also noted that a zoning by-law amendment is recommended in one of the conditions, and she wondered if one year is enough time to complete the rezoning process. She stated that she believed that a new notice is needed to recognize that this is the severance of two parcels, not a lot addition.

Ms. N. Shoemaker commented that this application has already been deferred once to address easements. She indicated that an application for rezoning has already been filed, and she was encouraged by staff to complete the severance process first. She stated that the lot addition conditions reference the easements which can be acknowledged in the deed; therefore, she stated that she feels that there is no need to defer this application any further.

Committee member C. Downer asked if the conditions referencing a lot addition can be removed and if Engineering Services has been able to review conditions as a severance of a new lot and not a lot addition. Planner L. Sulatycki replied that Engineering Services has not commented based on the new proposal.

Ms. N. Shoemaker said conditions 1 and 2 would no longer be needed and condition 3 and 4 are regarding the easements and are still needed.

Moved by C. Downer and seconded by B. Birdsell,

“THAT the Committee of Adjustment for the City of Guelph is satisfied that adequate notice has been given for Consent File B-23/14.”

Carried

Ms. N. Shoemaker directed the Committee’s attention to condition 8 from Parks Planning and Development. She indicated that this lot has already been operating as an independent property and has had many uses. She stated that she is aware that the Planning Act allows for the collection of cash in-lieu-of parkland, but she stated that she does not believe it is appropriate in this situation as no development is proposed. She asked that the Committee not impose this condition at this time and added that the parkland clause can be imposed in as part

of the rezoning or site plan approval process. She stated that she is in agreement with all the other conditions.

Committee member K. Ash asked staff if there is a definition of the term “development” in the Official Plan. Planner L. Sulatycki stated that in her discussions with Parks Planning and Development staff that they want the condition to stay as is as they have indicated that it creates a lot for development purposes. She noted that the definition of “development” in the Official Plan is the creation of a new lot; a change in land use or the construction of building and structures requiring approval under the Planning Act; site alteration activities such as fill grading, excavation that would change the land form and natural vegetative characteristics of a site; and various forms of intensification, infill development, and redevelopment. Committee member K. Ash indicated that it is clear that the creation of a new lot is classified as development, and therefore she believes the parkland condition should remain.

Ms. N. Shoemaker stated that it is not a new lot technically as it has a separate address and through a technicality it has merged. Chair R. Funnell asked the applicant if this application has become a technical severance. Ms. N. Shoemaker replied yes as there was two separate PINs, but the lots merged due to being registered in the same name.

Committee member K. Ash moved to approve the application with conditions 1 and 2 removed and condition 8 regarding cash in-lieu-of parkland remaining as written. No other Committee members seconded the motion.

Committee member C. Downer asked if the archaeological recommendations made by Heritage Planning staff need to be incorporated as conditions. Chair R. Funnell asked the Secretary-Treasurer to respond. Secretary-Treasurer T. Russell replied that the recommendations provided are more for informational purposes, as any conditions imposed need to be directly related to this Committee of Adjustment application. Chair R. Funnell asked if the recommendations would come into effect during a future rezoning or site plan application process, to which Secretary-Treasurer T. Russell replied yes.

Committee member C. Downer noted that the cash in-lieu-of parkland condition should be requested as part of the future rezoning process.

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 B. Birdsell and seconded by C. Downer,

“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 Range 4, Division ‘A’, Part Lots 3, 4, 5, 6, 7, 8 & 9, 265 Edinburgh Road North/54 Westmount Road, a parcel with a frontage

along Edinburgh Road North of 188.79 metres (619.34 feet) and an area of 1.614 hectares (3.988 acres),

- a) subject to a site specific storm sewer easement, labelled as 'A' on a draft Reference Plan prepared by Black, Shoemaker, Robinson & Donaldson Limited, Project No. 12-9374-7, dated November 17, 2014, over the retained parcel in favour of the severed parcel,
- b) subject to a blanket storm sewer easement, labelled as 'B' on a draft Reference Plan prepared by Black, Shoemaker, Robinson & Donaldson Limited, Project No. 12-9374-7, dated November 17, 2014, over the severed parcel in favour of the retained parcel,

be approved, subject to the following conditions:

1. That the servient tenement (54 Westmount Road) owner of the proposed severed parcel (Part 2), Part of lots 3, 4, 5, 6, 7 and 8, Range "4", Division "A" grants an easement approximately 3.0-metres (9.84 feet) wide by approximately 43.0-metres (141.08 feet) long, registered on title, in favour of the dominant tenement (265 Edinburgh Road) owner of the proposed retained lands (Part 1), Part of lots 4, 5, 6 and 7, Range "4", Division "A", for the protection of an existing 200mm storm sewer serving the dominant tenement (265 Edinburgh Road, Part 1), prior to endorstation of the deeds or within one (1) year of the consent, whichever occurs first.
2. That the servient tenement (265 Edinburgh Road) owner of the proposed retained lands (Part 1), Part of lots 4, 5, 6 and 7, Range "4", Division "A" grants an blanket storm sewer easement (B) over the said lands, registered on title, in favour of the dominant tenement (54 Westmount Road) owner of the proposed severed lands (Parts 2 and 3), Part of lots 3, 4, 5, 6, 7, 8 and 9, Range "4", Division "A", for the protection of the existing storm sewer serving the dominant tenement (54 Westmount Road, Parts 2 and 3), prior to endorstation of the deeds or within one (1) year of the consent, whichever occurs first.
3. That prior to endorstation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the required easements.
4. That prior to endorstation of the deeds, the owner's solicitor certifies that the easements, in favour of the dominant tenements (265 Edinburgh Road) owner of the proposed retained lands (Part 1), Part of lots 4, 5, 6 and 7, Range "4", Division "A" and (54 Westmount Road) owner of the proposed severed parcel (Parts 2 and 3), Part of lots 3, 4, 5, 6, 7, 8 and 9, Range "4", Division "A", have been granted and registered on title.

5. That the Zoning By-law Amendment application submitted to change the zoning on the subject "retained" parcel be approved and in full force and effect, prior to the endorsement of deeds.
6. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to November 25, 2015.
7. 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.
8. 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.
9. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Committee member J. Hillen returned to the room at 4:27 p.m.

Applications: B-28/14, A-111/14, & A-112/14

Owner: Desjardins Financial Security Life Assurance Company

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

Location: 325 Eramosa Road

In Attendance: Nancy Shoemaker
David Cart

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. N. Shoemaker replied that the sign was posted and comments were received.

Ms. N. Shoemaker stated that road widenings had been taken by the City in 2007. She stated she was aware when consulting with staff that another road widening would be recommended across the proposed severed parcel. She stated that the road widening proposed along the retained parcel is proposed to be 2 metres in width, which impacts the opportunity for parking on the site. Ms. N. Shoemaker asked the Committee to reduce the road widening width to 1.3 metres as past widenings have already taken place. She also requested that the condition for cash in-lieu-of parkland be reworded to only collect for the severed parcel, not the entire parcel.

Committee member K. Ash asked if the Official Plan addresses the road widening width for that part of Stevenson Street North. Planner L. Sulatycki replied that 2 metres is the maximum width that can be taken. Committee member K. Ash stated that it is important for the City to receive road widenings when available, which is usually at the time of a consent application.

Chair R. Funnell asked if the previous road widenings were received by the City. Ms. N. Shoemaker replied that she is not sure. Planner L. Sulatycki stated that Engineering Services had commented about the previous road widenings and that in 2007 the City purchased a 1 metre road widening along Eramosa Road.

Application B-28/14

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

Moved by K. Ash and seconded by B. Birdsell,

“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 Plan 128, Part Lot 7, 325 Eramosa Road, a parcel with a frontage along Stevenson Street of 111.62 metres (366.2 feet),

be approved, subject to the following conditions:

1. That the owner deeds to the City free of all encumbrances a 3.0-metre (9.84 feet) wide parcel of land for a road widening across the Eramosa Road frontage as shown in red on the owners severance sketch, prior to endorsement of the deeds.

2. That the owner deeds to the City free of all encumbrances a 2.0-metre (6.56 feet) wide parcel of land for a road widening across a portion of the Stevenson Street frontage as shown in red on the owners severance sketch, prior to endorsement of the deeds.
3. That the owner deeds to the City free of all encumbrances a 5.048-metre (16.56 feet) wide parcel of land for a road widening across the remainder of the Stevenson Street frontage as shown in red on the owners severance sketch, prior to endorsement of the deeds.
4. That prior to endorsement of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the road widenings.
5. The Owner agrees to submit and receive approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the General Manager of Planning and Building and the General Manager/City Engineer, prior to the issuance of a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.
6. That the owner constructs the building at such an elevation that the building can be serviced with a gravity connection to the sanitary sewer.
7. That the owner pays the actual cost of constructing and installing any service laterals required to accommodate any development on the proposed lands to be severed, to the satisfaction of the General Manager/City Engineer, and furthermore, prior to the issuance of site plan approval, the Owner shall pay to the City the estimated cost of the service laterals, as determined by the General Manager/City Engineer.
8. That the owner agrees to have a Professional Engineer design a stormwater management system for the said lands, to the satisfaction of the General Manager/City Engineer, prior to the issuance of site plan approval.
9. That the owner agrees to grade, develop and maintain the said lands including the stormwater management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer. Furthermore the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system and that the storm water management system was built as it was approved by the City and that it is functioning properly.

10. Prior to the issuance of site plan approval, the owner shall have a Professional Engineer design a grading and drainage plan for the said lands, satisfactory to the General Manager/City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the grading and drainage plan certify to the City that he/she has inspected the final grading of the site and that it is functioning properly.
11. The Owner shall be responsible for the total cost associated with the repair of any damage to the existing municipal services which is caused during the course of construction or building on the said lands.
12. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
13. During the construction of any building or structure on any part of the said lands, and the installation of any service or utility, the owner shall observe, or cause to be observed, all By-laws of the City and the following provisions and shall deliver a copy of this to every contractor who may construct any of the Municipal Services:
 - a) All streets abutting on the said lands which are to be used for access to the said lands during the development of them and during construction of buildings on them shall be kept in good and usable condition and, if damaged, shall be repaired immediately to the satisfaction of the General Manager/City Engineer at the expense of the owner;
 - b) All trucks and vehicles making deliveries to or taking materials from the said lands or working on the said lands shall be both covered and loaded in such a manner as to not scatter refuse, rubbish, or debris on any road or highway whether within the said lands or not. Should any such refuse, rubbish, or debris be so scattered, the owner shall be responsible to immediately remove it and correct any damage caused thereby. Failing immediate removal of the refuse, rubbish, or debris, the City may remove it and the City may correct any damage caused thereby, such removal and/or correction to be at the expense of the owner.
 - c) All construction garbage shall be collected and disposed of in an orderly manner at the Municipal Waste Disposal Site, or at such other place as may be approved by the General Manager/City Engineer. Under no circumstances shall garbage or rubbish of any kind be disposed of by burning on the site without authorization of the Fire Chief.

14. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed new dwelling on the said lands, prior to the issuance of a building permit.
15. That the owner 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 any building permits.
16. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
17. That prior to the issuance of site plan approval, the owner shall enter into a Site Plan Control Agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
18. The Owner shall be responsible for the payment of cash-in-lieu of parkland conveyance for the severed property pursuant to s. 51.1 and s. 53(13) of the Planning Act, and in accordance with the policies of the City of Guelph Official Plan to the satisfaction of the Executive Director of Community and Social Services, prior to endorsement of the deed.
19. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to November 25, 2015.
20. 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.
21. 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.
22. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also

include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried

Application A-111/14

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

Moved by K. Ash and seconded by B. Birdsell,

“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 6.2.2, Rows 2 of Zoning By-law (1995)-14864, as amended, for 325 Eramosa Road, to permit a minimum lot area of 5,030 square metres (54,142.5 square feet), prior to road widening, when the By-law requires that the minimum lot area for the CC zone be 7,500 square metres (80,729.3 square feet),

be approved, subject to the following condition:

1. That the conditions imposed for Application B-28/14, be and form part of this approval.”

Carried

Application A-112/14

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

Moved by K. Ash and seconded by B. Birdsell,

“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 6.2.2, Rows 2, 4, 9 and 13 of Zoning By-law (1995)-14864, as amended, for 325 Eramosa Road,

- a) to permit a minimum lot area of 3,480 square metres (37,458.4 square feet), prior to road widening, when the By-law requires that the minimum lot area for the CC zone be 7,500 square metres (80,729.3 square feet);
- b) to permit a minimum lot frontage of 23.3 metres (76.4 feet), prior to road widening, when the By-law requires that the minimum lot area for the CC zone be 50 metres (164.04 feet);
- c) to permit a minimum gross floor area of 719 square metres (7,739.3 square feet), when the By-law requires that the minimum gross floor area for the CC zone be 1,875 square metres (20,182.3 square feet); and
- d) to permit that no buffer be required adjacent to a residential (R.4) or institutional zone, when the By-law requires that buffer strips be provided abutting any residential, institutional, park, wetland, or urban reserve zone,

be approved, subject to the following condition:

1. That the conditions imposed for Application B-28/14, be and form part of this approval.”

Carried

Committee member L. McNair arrived at 4:35 p.m. and stated that he has no pecuniary interests.

Application: A-114/14
Owner: Jocelyne Muma
Agent: John Cox, J.L. Cox Planning Consultants Inc.
Location: 55 Glasgow Street South
In Attendance: John Cox
Jocelyne Muma

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. J. Cox stated that the sign was posted and comments were received.

Mr. J. Cox provided a brief background of the application. He indicated that a new encroachment agreement has already been applied for. He also indicated that the owner is agreeable to create a parking space on the property.

Committee member K. Ash asked if the applicant had a specific timeline for construction. Mr. J. Cox replied that the intent is to proceed with construction as soon as possible. Committee member K. Ash stated that the porch is already partially constructed and could be a safety concern. She questioned if staff would impose a condition requiring the building permit to be issued within 6 months of the decision as a safety measure to ensure the construction is completed. Planner L. Sulatycki stated that a building permit application has already been applied for, but cannot be issued until the variance process is complete.

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 C. Downer and seconded by L. McNair,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7, Row 3 of Zoning By-law (1995)-14864, as amended, for 55 Glasgow Street South, to permit a 1-storey open, roofed porch to have a minimum setback of 0 metres from the front lot line, when the By-law requires that an open, roofed porch not exceeding 1-storey in height have a minimum setback of 2.0 metres (6.56 feet) from the front lot line,

be approved, subject to the following conditions:

1. That prior to the issuance of a building permit, the owner applies to the City Solicitor to amend the existing encroachment agreement to include the frame roofed porch complete with wood posts, wood steps and associated peripherals and the wood fence and obtains approval for the encroachment of the frame roofed porch complete with wood posts, wood steps and associated peripherals and the wood fence that encroach on the Glasgow Street road allowance; or
2. That prior to the issuance of a building permit, the owner applies to the City Solicitor for a new encroachment agreement and obtains approval for the encroachment of a portion of the main building, the frame roofed porch complete with wood posts, wood steps and associated peripherals and the wood fence that encroach on the Glasgow Street road allowance.
3. That a legal parking space being 2.5 metres wide by 5.5 metres in length be created behind the main front wall of the existing dwelling within 6 months of Committee’s final decision to the satisfaction of the Chief Building Official or designate.
4. That the porch not be enclosed.”

Carried

Application: **A-97/14**

Owner: **Thomas MacKillop**

Agent: **N/A**

Location: **277 Cole Road**

In Attendance: **Thomas MacKillop**
 Peter Diemand

Secretary-Treasurer T. Russell notified the Committee that comments were received from Mr. P. Diemand and Ms. M. Diemand regarding concerns with this application. A copy of the correspondence was provided to the Committee members.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. T. MacKillop replied that the sign was posted and comments were received.

Mr. T. MacKillop indicated that he has discussed with his neighbour the issues regarding parking and indicated he is able to resolve these issues with a possible fence in the front yard to prevent tenants trespassing on the neighbouring property to access the stacked arrangement.

Chair R. Funnell asked the applicant if he is aware that the Zoning By-law sets out rules regarding fences in front yards. Mr. T. MacKillop replied that he was not aware yet. Chair R. Funnell recommended that he become aware of the height and setback requirements for fences in front yards before proceeding.

Committee member C. Downer asked staff where the prohibition regarding stacked parking originated from. Planner L. Sulatycki replied that she believed it originated from a 2006 study and in this situation planning staff are agreeable as Cole Road is not a busy street and there is no garage so the driveway can be extended.

Committee member J. Hillen indicated that past applications for stacked parking have been approved as they were on cul-de-sacs and away from intersections. He indicated that this application is right at a "T" intersection and the comments did not reference any possible safety concerns nor referenced the proximity to the intersection.

Committee member C. Downer stated that in the comments Engineering Services stated they have safety concerns yet are agreeable with approving the application. She stated that this is a potential red flag.

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. McNair and seconded by B. Birdsell,

“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 4.15.1.4.1 of Zoning By-law (1995)-14864, as amended, for 277 Cole road, to permit three (3) off-street parking spaces to be stacked in the driveway, when the By-law requires that a maximum of two (2) off-street parking spaces are permitted in a stacked arrangement,

be approved, subject to the following condition:

1. That prior to the issuance of a building permit for the accessory apartment, the owner extends the length of the driveway so that it is a minimum of 16.5 metres measured from the property line to accommodate the stacked parking of three (3) vehicles to the satisfaction of the Chief Building Official or designate.”

Carried

Application: A-110/14
Owner: Alnic 22 Holdings Inc.
Agent: N/A
Location: 209-211 Paisley Street
In Attendance: Dan Pestill

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. D. Pestill replied that the sign was posted and that comments were received.

Planner M. Witmer stated that staff had a meeting with the applicant prior to this meeting regarding the parking in the rear yard. He stated that staff has now come to the conclusion that

the rear parking arrangement can work and wish to recommend approval, subject to three conditions.

Committee member C. Downer asked staff about the concern expressed regarding the tree in the rear yard. Planner M. Witmer said that due to the size of the property, it is not regulated by the City's Private Tree Protection By-law. Therefore, the City is not able to require the property owner to retain this tree, but highly recommends that this tree be retained.

Committee member K. Ash asked how the access will work as the application does not demonstrate the traffic flow and asked if the application has a sketch that shows the proposed access. Mr. D. Pestill replied that he has a sketch, but that he submitted it to Legal Services. He showed a site plan on the overhead projector and explained the parking access. He stated that he wants to preserve the tree.

Committee member C. Downer stated that some of the old neighbourhoods have strange configurations in terms of easements and parking arrangements. Mr. D. Pestill indicated that the neighbours are excited about the proposed changes to the property as they have been concerned about safety.

Committee member L. McNair stated that the drawing submitted with the application shows the tree to the side, and yet the applicant's recent comment is that the tree is in the middle of the property. Mr. D. Pestill replied that the tree is in the wrong spot on the drawing. Committee member L. McNair asked if he can actually fit the parking around this tree. Mr. D. Pestill replied that he believes that there will be enough room as it is laid out on the drawing or there will be enough room on either side of the tree.

Committee member L. McNair asked staff to repeat the third proposed condition for clarification. Planner M. Witmer repeated the third proposed condition.

Committee member K. Ash noted that the drawings submitted do not show setbacks to the property lines.

Planner M. Witmer indicated that in the meeting with the applicant held prior to this public meeting where the three conditions were discussed, he had support from Zoning and Engineering staff as well as Legal Services.

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,

Moved by J. Hillen and seconded by L. McNair,

“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 extend the legal non-conforming use at 209-211 Paisley Street, to allow each unit of the semi-detached dwelling to contain a 60.39 square metre (650 square foot) accessory apartment on the first floor, for a total of four (4) dwelling units on the property,

be approved, subject to the following conditions:

1. That the applicant construct the two (2) rear parking spaces as indicated on the sketch submitted with application A-110/14 within six (6) months of the Committee’s decision or prior to the issuance of any building permits, to the satisfaction of the General Manager of Planning Services, whichever occurs first.
2. That the two (2) rear parking spaces as indicated on the sketch submitted with application A-110/14 have free and unrestricted access to and from Aberdeen Street.
3. That the applicant demonstrate to the satisfaction of the City Solicitor that the two (2) rear parking spaces as indicated on the sketch submitted with application A-110/14 are legally accessible across any necessary adjacent properties within six (6) months of the Committee’s decision or prior to the issuance of any building permits, whichever occurs first.”

Carried

Application: A-105/14
Owner: Peter Szpular
Agent: Joe Lakatos, AJ Lakatos Planning Consultant
Location: 4 Balfour Court
In Attendance: Joe Lakatos

Secretary-Treasurer T. Russell notified the Committee members that correspondence has been received from the agent indicating that the owner is agreeable with the application being deferred until staff has completed a site inspection to satisfy concerns regarding drainage.

Chair R. Funnell asked the agent present if he agreed with the recommendation to defer the application. Mr. J. Lakatos replied that he is in agreement with deferral.

Chair R. Funnell asked if the agent was aware of the deferral fee. Mr. J. Lakatos was not aware of the fee amount. Chair R. Funnell asked the Secretary-Treasurer to specify the amount of the

fee. Secretary-Treasurer T. Russell stated that the deferral fee is \$230. Mr. J. Lakatos was in agreement.

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

“THAT Application A-105/14 for 4 Balfour Court, be deferred sinedie, to allow the applicant to satisfy concerns regarding drainage, 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.”

Carried

Application: A-113/14
Owner: Humayon Beg
Agent: N/A
Location: 6 Tolton Drive/5 Laughland Lane
In Attendance: Humayon Beg

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. H. Beg stated that the sign was posted and that comments were received.

Planner M. Witmer acknowledged that there was a mathematical error in the comments regarding the length of the second driveway. He stated that a total of 16.5 metres is required to fit three parking spaces. The proposed length is 15.24 metres, which would only fit two vehicles, not three. He indicated that cumulatively with all the off-street parking spaces that are on this property it would bring the total proposed off-street parking spaces to six when there are four currently existing.

Committee member K. Ash asked the applicant why he needed the additional parking spaces. Mr. H. Beg indicated that he has three vehicles and the tenants of the accessory apartment have two vehicles.

Committee member K. Ash asked if there is a percentage of front yard landscaping required as previous variances for secondary driveways mentioned a percentage. Planner M. Witmer replied that in February 2014 a housekeeping amendment was made to change provisions for this zone. He indicated that previous minor variances may have been made prior to this housekeeping amendment.

Committee member K. Ash mentioned that in Planning Services' comments, that a statement was made regarding the request for additional parking spaces and she feels this statement may be misleading as the request is for a second driveway, not for additional parking spaces, or it should have been mentioned in the application. Planner M. Witmer replied that by adding the second driveway, it will add additional parking spaces. Committee member K. Ash stated that the comments reference that the additional parking spaces do not meet the general purpose of the Zoning By-law, but that is not what has been applied for, and what is applied for is the second driveway.

Committee member K. Ash asked staff what the minimum driveway width is in the Zoning By-law. Planner M. Witmer replied that the maximum width for the R.1C zone is 6 metres, and no minimum width is specified. Planner M. Witmer indicated that there is a minimum landscaped open space of 0.5 metres between the driveway and the lot line, which the applicant has provided.

Committee member K. Ash suggested that the staff comments could have been shorter to prevent confusion. She also indicated that staff's use of terminology regarding variances should be reviewed. She indicated that she did a site inspection and does not see a need for more driveways in this location, especially with the site line issues. She stated that she would not support this variance application.

Planner M. Witmer indicated that he will take Committee member K. Ash's comments into consideration, but the staff recommendation to refuse the application still remains.

Mr. H. Beg said that other neighbours have second driveways. Chair R. Funnell stated that Committee approval would be needed for them to have a second driveway or there would be a zoning infraction.

Planner M. Witmer indicated that the building permit for the coach house at 4 Tolton Drive was issued in error. As the coach house was constructed too close to the street, insufficient parking area was provided to support the land use. He stated that an application was made to the Committee of Adjustment and staff recommended approval based on the error made with the building permit. He acknowledged that 4 Tolton Drive has a second driveway, but there was unique and special circumstances surrounding this property.

Committee member L. McNair asked if there are any other properties on Tolton Drive or Laughland Lane that have a second driveway. Planner M. Witmer replied that he is not aware of any others besides 4 Tolton Drive. He acknowledged that there have been applications to widen driveways in this area where the garage entrances were on an angle and the widening was needed for vehicles to maneuver into the garage.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and

purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by K. Ash and seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.13.7.2 ii) of Zoning By-law (1995)-14864, as amended, for 6 Tolton Drive/5 Laughland Lane, to permit a second driveway access to the left of the existing detached garage (coach house), when the By-law requires that one driveway access only be created per residential property,

be refused, for the following reasons:

1. The requested variance is not minor in nature;
2. The requested variance is not desirable for the appropriate development of the lands; and
3. The requested variance does not conform to the general intent of Zoning By-law.”

Carried

Committee member B. Birdsell left the room at 5:20 p.m.

Application: B-29/14
Owner: Kamal Hira
Agent: Jeff Buisman, Van Harten Surveying Inc.
Location: 172 Niska Road
In Attendance: Jeff Buisman
Kamal Hira

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. J. Buisman replied that the sign was posted and that comments were received.

Mr. J. Buisman provided a brief background regarding the application.

Mr. J. Buisman stated he has a concern with the condition requiring cash in-lieu-of parkland. He stated that there is no need for this requirement as this is a technical severance.

Committee member L. McNair stated that parkland payment would have been requested as part of the original severance.

Mr. J. Buisman indicated was not involved with the original severance applications, but he asked the owner who was present and Mr. K. Hira indicated that this payment was already made.

Planner M. Witmer indicated that as far as he is aware that cash in-lieu-of parkland has already been requested.

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 L. McNair and seconded by C. Downer,

"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 Lot 14, Concession 5, Puslinch Township, RP 61R-20041, Part 2, municipally known as 172 Niska Road, a parcel with an area of 51 square metres (548.96 square feet), as a lot addition to 178 Niska Road,

be approved, subject to the following conditions:

1. That the proposed severed parcel of land be conveyed to the abutting owner as a lot addition only (Form 3 Certificate).
2. That the following covenant is incorporated in the deed: "The conveyance of (Severed Lands - legal description - Lot and Plan), City of Guelph, County of Wellington, designated as (Part and 61R-Plan Number) as a lot addition only to (Legal Description of Lands to be joined with - Lot and Plan), and shall not be conveyed as a separate parcel from (Legal Description of Lands to be joined with - Lot and Plan)."
3. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to November 25, 2015.

4. 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.
5. 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.
6. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Committee member J. Hillen left the room at 5:26 p.m. and Committee member B. Birdsell returned at 5:26 p.m.

Application: A-116/14
Owner: Selfstorageco Inc.
Agent: N/A
Location: 420 Elizabeth Street
In Attendance: Michael Jobb

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. M. Jobb replied that the sign was posted and comments were received.

Mr. M. Jobb presented the Committee members with a package of information and drawings. He outlined the upgrades and remediation proposed for the property. He stated that the building is very hard to find tenants for as the ceiling height is low, and a self-storage use is the best application for this building.

The Committee members had no questions.

Planner L. Sulatycki indicated that a condition is being recommended requiring the applicant to obtain site plan approval prior to the building permit to ensure the building meets building and engineering requirements.

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 C. Downer and seconded by K. Ash,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 7.1.3 of Zoning By-law (1995)-14864, as amended, for 420 Elizabeth Street, to permit a storage facility use on the property, when the By-law does not permit a storage facility,

be approved, subject to the following conditions:

1. That the self-storage facility use be limited in size to the existing building being 9,011.6 square metres (97,000 square feet); and,
2. That the property owner apply for and receive site plan approval by the General Manager of Planning Services under Section 41 of the Planning Act prior to the issuance of any building permits.”

Carried

Committee member J. Hillen returned to the room at 5:34 p.m.

Application: A-115/14
Owner: Zbigniew Pawelec
Agent: Deborah Alexander, Weston Consulting
Location: 28 Rodgers Road
In Attendance: Deborah Alexander
Mark Hendry
Jane Martin

Lorne Pennington

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. D. Alexander replied that the sign was posted and comments were received.

Ms. D. Alexander stated that she has reviewed the staff comments and she disagrees with the recommendation. Ms. D. Alexander provided background on the application. She indicated that the existing Zoning By-law allows for four units in the dwelling, and the effect of this application is the addition of two units or basically two people to the neighbourhood.

She recited the four tests under the Planning Act and stated that the test to indicate if a proposal is minor is not a numbers game, but a test of impact. She stated that the separation distance reduction in her opinion is technical. Ms. D. Alexander provided a drawing showing the locations of nearby lodging houses on the overhead projector. She stated that the next nearest lodging house is 40 Sidney Crescent and 93 Moss Place and there is no direct interaction between the two lodging houses at all. She indicated that traffic will be directed towards the commercial plaza and transit.

She indicated that the staff comments stated that the 20 year average density for a single family residential area such as this application is 3.24 persons per unit. She stated that the density with this addition of a lodging house increases this number to 3.29 persons per unit, which is not double and quite minor.

She indicated that the staff comments mentioned that there is no buffer between 28 Rodgers Road and 40 Sidney Crescent and there is some impact to the dwellings on the north side of Rodgers Road. She brought to the Committee's attention a similar variance that was granted in April 2013 for a property at 54 Walman Drive which was recommended for approval by staff and the Committee of Adjustment granted the variance. By contrast, she stated that 28 Rodgers Road is recommended for refusal, but wondered what the differences were between these applications. Ms. D. Alexander stated that the walking distance between the subject property and 40 Sidney Crescent is 218 metres and the distance between the subject property and 93 Moss Place is 131 metres. For the 54 Walman Drive application, Ms. D. Alexander stated that the nearest separation distance is 193 metres and 213 metres, so the numbers are quite similar between applications. She stated that there is really no difference between these two applications other than the distance specifically as the crow flies.

Ms. D. Alexander read a small excerpt from the staff comments for the 54 Walman Drive application: "Both of the other two lodging houses are on different blocks on different streets, and logistically will not have an adverse impact on the surrounding neighbourhood." She indicated that exactly the same thing could be stated about 28 Rodgers Road. She stated that like the Walman Drive application, the requested variance is minor in nature.

In regards to desirability, Ms. D. Alexander stated that the property owner is quite active in the management of the dwelling as there is cleaning and gardening staff retained and they do maintain the house. She provided a map showing police complaints which showed no complaints in the area. She stated that this dwelling is maintained as well as or even better than some owner-occupied dwellings. In that respect, she believes the variance is desirable for both the development and use of the lands and will allow the owner to continue to own and operate this dwelling.

In terms of the general intent of the Zoning By-law, Ms. D. Alexander stated that the Zoning By-law policies are intended to avoid the over concentration of lodging houses in a residential area, which is about impacts. She stated that in this instance there is adequate separation due to the layout of these particular streets and dwellings. There have been no police or criminal By-law complaints, and in her opinion it does maintain the general intent of the Zoning By-law.

In terms of the Official Plan, Ms. D. Alexander stated that there is no modification to the built form of the dwelling as it will look and feel exactly like a single family residential dwelling. This will help to ensure the adequate supply of accommodations for students, which is critical in this area. She stated it is a minor intensification in her opinion by adding two additional persons within a compatible built form. She stated that the Official Plan does encourage lodging houses where the residential amenities and services are available nearby. In this instance, she stated that a park is nearby, as well as retail stores and a grocery store nearby, with transit available on Edinburgh Road South. Therefore, she believes it maintains the intent of the Official Plan. She stated that in her opinion the requested variance is minor in nature, is desirable for the appropriate development for the use of the land and building, it maintains the intent of the Zoning By-law, and maintains the intent of the Official Plan. She respectfully requested that the Committee approve the variance requested.

Secretary-Treasurer T. Russell notified the Committee that comments were received by Mr. Gary & Shireen Boutilier regarding their opposition to this application. A copy of the correspondence was provided to the Committee.

Secretary-Treasurer T. Russell notified the Committee that staff as well as neighbours have notified the Secretary-Treasurer that the sign was down/missing on at least 4 different occasions during the 3 weeks. However, each time the applicant has been notified and rectified the sign issue each time and provided photo evidence.

Committee member K. Ash asked staff if an additional variance is needed since lodging houses are to be 100 metres apart and 93 Moss Place is only 89.9 metres away. Planner M. Witmer said that this is correct that there is a lodging house at 93 Moss Place, but the request for separation from this lodging house was not indicated on the application and to that effect it would not change staff comments because the lodging house at 40 Sidney Crescent is the closer of the two. In his opinion, Planner M. Witmer stated that adding the additional variance would be more of a technicality; however, the distance is about 93 metres away when measured in a straight line from property line to property line. Committee member K. Ash stated that she

believes the notice should have indicated the second nearby lodging house as it compounds the intensity of lodging houses in the area. In terms of the Official Plan, Committee member K. Ash agrees with the applicant that this application is not about density, as a lodging house is a permitted use provided the separation distance is provided, so she does not believe this application violates the Official Plan.

Committee member K. Ash noted that the separation distance in the public meeting notice is indicated as 56 metres, whereas the staff report mentions 56.2 metres in one spot and 56.9 metres in another part of the staff comments.

Committee member K. Ash stated that she agrees with staff in that it does not meet the intent of the Zoning By-law and she does not believe it is desirable to have another lodging house within close proximity of these two other lodging houses. She said in regards to the previous applications that were approved by the Committee she noticed that there was a major road, Edinburgh Road South, which separated the two lodging houses. Committee member K. Ash stated that the impacts are a lot different than the previous application. She stated that she does not believe it is minor in nature to have this lodging house within close proximity to two other lodging houses so she stated she will not be recommending approval.

A petition signed by the neighbours was presented to the Committee indicating their opposition to this application.

Mr. M. Hendry, who resides on Rodgers Road, indicated he opposes the application. He stated that Rodgers Road has 38 single family homes between Rickson Avenue and Moss Place. A search through the City of Guelph's online public search revealed that 13 of 38 homes have lodging house complaints registered against them. He indicated that the champion of this is 28 Rodgers Road as it has two separate lodging house complaints against it, including one complaint of the possibility of renting six bedrooms. He stated that the Committee already refused this application previously and there was an OMB decision. He stated that there is a complaint that work was carried out to create a six bedroom lodging house without a building permit. Mr. M. Hendry stated that high density student development benefits no one as it is dangerous and unhealthy to the students, and is an assault on the basic living standards of the residential home owners. He added that Rodgers Road neighbourhood is not an economic opportunity zone for non-residents. He asked the Committee to not reward greed.

Planner M. Witmer noted that an item of concern in the comments coming before the Committee is the labelling of the residents living in the lodging house as students. He stated that in this case they cannot be labelled as students, but rather just residents, and it is a single detached dwelling with a lodging house.

Ms. J. Martin spoke in opposition to the application. She believes that since she purchased a home with certain zoning that she expects others to abide by it as well. She indicated that she would object to any variance to the current zoning. She stated that she went on the Cannon, which is where rental advertisements are posted and discovered that in the Rodgers Road area

there are 49 rooms currently listed as available for rent. Of those advertisements, she indicated that three of them are for 28 Rodgers Road. She stated that the advertisement for 28 Rodgers Road is listed as best offer with December being free. She believes that this indicates that there is a glut of rental properties and she as well as other neighbours have noticed that landlords are getting desperate and renting to anyone. As a result, she believes that they are people in the area that should not be there. She added that there are cars parked on lawns and cars parked all over the place and there are too many residents for the space available. She noted that when she drove to work this morning that there was a car parked on the lawn of 28 Rodgers Road. She stated that she is abiding by the By-laws to the best of her knowledge and she would object to any variance and expects that others abide by the By-laws. She added that she would like this request to be declined.

Ms. D. Alexander clarified that the application did come before the Committee last year and was appealed to the Ontario Municipal Board. She added that there was no Ontario Municipal Board decision as the appeal was withdrawn. She stated that the intent was to return to this Committee with the proper representation of a Planner.

Mr. L. Pennington stated that he went to the Ontario Municipal Board hearing which was withdrawn as the owner did not show up. He indicated that since the new owner has taken possession that he finds broken bottles and garbage on his front lawn and it is obvious that it is an absentee owner. He asked that the application be refused like the last time.

Committee member L. McNair asked staff if three off-street parking spaces are able to fit on the property and meet the Zoning By-law requirements. Planner M. Witmer replied that a minor widening of 0.12 metres needs to take place to accommodate the parking and a further variance is not needed for the widening.

Committee member J. Hillen commented that the agent mentioned previously that minor is not a numbers game and is about impact. He noted that impact is addressed by the 25 member petition that was provided, the public coming out speaking, and the numerous applications the Committee has previously denied in the past, and this addresses impact and how the proposal is not desirable for the neighbourhood.

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

Moved by C. Downer and seconded by J. Hillen,

“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 4.25 Row 3 of Zoning By-law (1995)-14864, as amended, for 28 Rodgers Road, to permit a six bedroom

lodging house in a single detached dwelling within 56 metres of an existing lodging house located at 40 Sidney Crescent, when the By-law requires that a minimum separation between buildings being used as a Lodging House Type 1 shall be 100 metres, measured from the closest points of the two properties at the property line,

be refused, for the following reasons:

1. The requested variance is not minor in nature due to the impact on the neighbourhood;
2. The requested variance does not conform to the general intent of the Zoning By-law, which is to avoid neighbourhood destabilization.”

Carried

The Committee recessed at 5:55 p.m. and resumed at 6:25 p.m.

Applications: B-25/14, B-26/14, B-27/14, A-106/14, A-107/14, A-108/14, & A-109/14

Owner: Bernice Crowe c/o Margaret Mizen

Agent: Jeff Buisman, Van Harten Surveying Inc.

Location: 119-121, 123-127 & 131 Norfolk Street, 40-42 & 50 Yarmouth Street

In Attendance: Jeff Buisman
Marg Mizen
Wayne Mizen

Secretary-Treasurer T. Russell notified the Committee that Heritage Planning has requested removal of conditions 9 and 10 as there is no action needed for these two conditions. The applicant should be aware that prior to the approval of any subsequent development application, building permit or demolition permit application, a Scoped Cultural Heritage Resource Impact Assessment will need to be prepared by the proponent to the satisfaction of Heritage Planning Staff. Also, any subsequent development application, building permit or demolition permit application and the related Scoped Cultural Heritage Resource Impact Assessment will be reviewed for comment by Heritage Guelph.

Secretary-Treasurer T. Russell also notified the Committee that Environmental Planning has also asked that condition 11 be removed as the properties would be subject to site plan approval in the future at which time tree concerns can be dealt with.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. J. Buisman replied that the sign was posted and comments were received.

Mr. J. Buisman showed a drawing of the properties on the overhead projector and stated that the four properties have merged on title inadvertently. He indicated that the proposed property lines are similar, but not exactly the same as what previously existed, in order to ensure that they make sense. He outlined the proposed property lines for the Committee. Mr. J. Buisman thanked staff for working with him as the variances were identified.

Mr. J. Buisman requested that the condition requiring cash in-lieu-of parkland be removed, as the applications involve technical severances and the properties are already developed.

Committee member J. Hillen asked for more information about the 2.8 metre sight line triangles on Yarmouth Street and if the existing fence is too high. Mr. J. Buisman replied that this variance is needed to recognize the location of the existing fence and bush and the current property layout. He also indicated that Yarmouth Street is a one way street so sight lines are not as much of an issue.

Committee member L. McNair asked about the proposed parking configuration and if it is possible for vehicles to enter and exit the property. Mr. J. Buisman replied that currently vehicles need to back in and back out of the parking spaces. He indicated that he does not know what the proposed use will be once the property sold, and that the parking spaces can be finalized once the property is redeveloped.

Committee member L. McNair asked about the five parking spaces shown and if there is enough space as it appears that the parking spaces on the left side looking from Yarmouth Street could be shifted further to the left and this may allow vehicles to enter and exit in a forward motion. Mr. J. Buisman replied that the variance is to allow for five off-street parking spaces instead of ten parking spaces, and it does not specify where these spaces must be located. Committee member L. McNair asked if the property is zoned CBD.1. Mr. J. Buisman replied that only 50 Yarmouth Street is zoned Central Business District (CBD.1) and the other three properties are zoned Office Residential (OR). He also indicated that two of the properties are through lots, which will require the Zoning By-law policies regarding front yards on both frontages. He also stated that the right side yard facing from Norfolk Street for 123-127 Norfolk Street is a beautiful yard and he did not want to imply that parking will be placed there as he is not sure it is appropriate for that area.

Application B-25/14

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 L. McNair and seconded by B. Birdsell,

“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 technical severance of Plan 8, Part Lot 903, municipally known as 131 Norfolk Street, a parcel with a frontage along Norfolk Street of 14.35 metres (47.08 feet),

- a) subject to a 27 square metre (290.63 square foot) easement over the severed lands in favour of 123-127 Norfolk Street for driveway and maintenance purposes, as shown on the sketch dated September 16, 2014, prepared by Van Harten Surveying Inc., project no. 21906-14,

be approved, subject to the following conditions:

1. That prior to endorsation of the deeds, the servient tenement (131 Norfolk Street, Part of Lot 930, Registered Plan 8) grants a vehicular access and maintenance easement approximately 32.8-metres (107.61 feet) long by approximately 0.70-metres (2.29 feet) to 1.20-metres (3.94 feet) wide, registered on title, in favour of the dominant tenement (123-127 Norfolk Street, Part of Lots 929 and 930, Registered Plan 8) for vehicular access and maintenance of the existing garage which is located approximately 0.20-metres (0.66 feet) from the left side property line.
2. That prior to endorsation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the vehicular access and maintenance easement.
3. That prior to endorsation of the deeds, the owner’s solicitor certifies that the vehicular access and maintenance easement, in favour of the dominant tenement (123-127 Norfolk Street, Part of Lots 929 and 930, Registered Plan 8), has been granted and registered on title.
4. That prior to endorsation of the deeds, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of a stone retaining wall, concrete porch complete with wrought iron railing, concrete steps and an existing chain link fence that encroach on the Yarmouth Street road allowance.
5. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to November 25, 2015.

6. 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.
7. 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.
8. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Application B-26/14

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 L. McNair and seconded by B. Birdsell,

"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 technical severance of Plan 8, Part Lot 929, Part Lot 930, and Part Lot 940, municipally known as 123-127 Norfolk Street, a parcel with a frontage along Yarmouth Street of 21.3 metres (69.88 feet) and a frontage along Norfolk Street of 24.9 metres (81.69 feet),

be approved, subject to the following conditions:

1. That prior to endorsation of the deeds, the servient tenement (131 Norfolk Street, Part of Lot 930, Registered Plan 8) grants a vehicular access and maintenance easement approximately 32.8-metres (107.61 feet) long by approximately 0.70-metres (2.29 feet) to 1.20-metres (3.94 feet) wide, registered on title, in favour of the dominant tenement (123-127 Norfolk Street, Part of Lots 929 and 930, Registered Plan 8) for vehicular access and maintenance of the existing garage which is located approximately 0.20-metres (0.66 feet) from the left side property line.

2. That prior to endorsation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the vehicular access and maintenance easement.
3. That prior to endorsation of the deeds, the owner's solicitor certifies that the vehicular access and maintenance easement, in favour of the dominant tenement (123-127 Norfolk Street, Part of Lots 929 and 930, Registered Plan 8), has been granted and registered on title.
4. That prior to endorsation of the deeds, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of a stone retaining wall, concrete porch complete with wrought iron railing, concrete steps and an existing chain link fence that encroach on the Yarmouth Street road allowance.
5. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to November 25, 2015.
6. 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.
7. 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.
8. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

Application B-27/14

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 L. McNair and seconded by B. Birdsell,

“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 technical severance of 40-42 Yarmouth Street, Plan 8, Part Lot 929, Part Lot 940, Part Lot 941, municipally known as 119-121 Norfolk Street and 40-42 Norfolk Street, a parcel with a frontage along Norfolk Street of 14.0 metres (45.93 feet) and a frontage along Yarmouth Street of 14.1 metres (46.26 feet),

be approved, subject to the following conditions:

1. That prior to endorsement of the deeds, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of a stone retaining wall, concrete porch complete with wrought iron railing, concrete steps and an existing chain link fence that encroach on the Yarmouth Street road allowance.
2. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to November 25, 2015.
3. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
4. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
5. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried

Application A-106/14

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. McNair and seconded by B. Birdsell,

“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. Row 6 of Zoning By-law (1995)-14864, as amended, for 131 Norfolk Street, to permit a minimum right side yard of 1.2 metres (3.9 feet), when the By-law requires that the minimum side yard for the OR zone be 1.5 metres (4.9 feet),

be approved, subject to the following condition:

1. That the conditions imposed for Application B-25/14, be and form part of this approval.”

Carried

Application A-107/14

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. McNair and seconded by B. Birdsell,

“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 6.5.2 Rows 6, 4, Sections 4.6.2.1.1, 6.5.2.2, 4.13.3.2.4, 4.13.3.1, 4.13.4.2, 4.13.4.3, 4.13.2.3, and Table 6.5.2 Row 5 of Zoning By-law (1995)-14864, as amended, for 123-127 Norfolk Street,

- a) to permit a minimum left side yard of 0.2 metres (0.66 feet), when the By-law requires that the minimum side yard for the OR zone be 1.5 metres (4.9 feet);
- b) to permit a minimum front yard of 2.45 metres (8.04 metres), when the By-law requires that the minimum front yard for the OR zone be 3.0 metres (9.8 feet);
- c) to permit the sight line triangles to be measured 4 metres (13.12 feet) from the edge of the vehicular access and measured 4 metres from the edge of the

sidewalk towards 123-127 Norfolk Street [Norfolk Street frontage], when the By-law requires that a sight line triangle at a driveway, lane, or other vehicular street access be the triangular area measured at 4 metres (13.12 feet) from the edge of the vehicular access at a 90 degree angle and measured at 5 metres (16.4 feet) from the edge of the sidewalk toward the lot at a 90 degree angle;

- d) to permit the sight line triangle to be measured 4 metres (13.12 feet) from the edge of the vehicular access and measured 2.8 metres (9.19 feet) from the edge of the sidewalk towards 123-127 Norfolk Street [Yarmouth Street frontage], when the By-law requires that a sight line triangle at a driveway, lane, or other vehicular street access be the triangular area measured at 4 metres (13.12 feet) from the edge of the vehicular access at a 90 degree angle and measured at 5 metres (16.4 feet) from the edge of the sidewalk toward the lot at a 90 degree angle;
- e) to permit off-street parking in the front yard (Yarmouth Street), when the By-law requires that off-street parking in the OR Zone not be permitted in the front yard;
- f) to permit a driveway width of 2.8 metres (9.19 feet), when the By-law requires that every driveway for exterior parking spaces have a minimum width for access to a street or lane of 3 metres (9.8 feet);
- g) to permit the off-street parking area to provide means of ingress and egress to and from a street in a forward or backward motion, when the By-law requires that every off-street parking area for non-residential uses shall be provided with adequate means of ingress and egress to and from a street or lane, in a forward motion only;
- h) to permit eight (8) off-street parking spaces be provided for the office use and residential use, when the By-law requires that a total of thirteen (13) off-street parking spaces be provided for the office use [1 parking space per 33 m² (355.2 ft²) of gross floor area) and residential use [1 parking space per unit];
- i) to permit part of a parking space to be located within 3 metres (9.84 feet) of a street line, when the By-law requires that uncovered parking areas located within all yards in the OR and CBD be permitted, provided that no part of a parking space is located closer than 3 metres (9.8 feet) to any street line; and
- j) to permit a maximum front yard of 12.7 metres (41.6 feet), when the By-law requires that the maximum front yard be 7.5 metres (24.6 feet),

be approved, subject to the following conditions:

1. That the conditions imposed for Application B-26/14, be and form part of this approval.
2. That variances (c) and (d) relating to how the sight line triangle is measured only apply to existing features and fences.
3. That variance (h) to permit eight (8) off-street parking spaces only apply to an office use occupying a maximum of 325 square metres and residential use containing no more than 3 residential units.”

Carried

Application A-108/14

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. McNair and seconded by B. Birdsell,

“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 6.5.2 Rows 6, Sections 4.6.2.1.1, 6.5.2.2, 4.13.3.1, 4.13.2.3, and Table 6.5.2 Row 5 of Zoning By-law (1995)-14864, as amended, for 119-121 and 40-42 Yarmouth Street,

- a) to permit a minimum left side yard of 0.6 metres (1.97 feet), when the By-law requires that the minimum side yard for the OR Zone be 1.5 metres (4.9 feet);
- b) to permit the sight line triangle to be measured 4 metres (13.12 feet) from the edge of the vehicular access and measured 3 metres (9.8 feet) for the edge of the sidewalk towards 119-121 Norfolk Street, when the By-law requires that a sight line triangle at a driveway, lane, or other vehicular street access be the triangular area measured at 4 metres (13.12 feet) from the edge of the vehicular access at a 90 degree angle and measured at 5 metres (16.4 feet) from the edge of the sidewalk toward the lot at a 90 degree angle;
- c) to permit off-street parking in the front yard (Yarmouth Street), when the By-law requires that off-street parking in the OR Zone not be permitted in the front yard;
- d) to permit the off-street parking area to provide means of ingress and egress to and from a street in a forward or backward motion, when the By-law requires that every off-street parking area for non-residential uses shall be provided with

adequate means of ingress and egress to and from a street or lane, in a forward motion only;

- e) to permit part of a parking space to be located within 3 metres (9.84 feet) of a street line, when the By-law requires that uncovered parking areas located within all yards in the OR and CBD be permitted, provided that no part of a parking space is located closer than 3 metres (9.8 feet) to any street line; and
- f) to permit a maximum front yard of 13.6 metres (44.6 metres), when the By-law requires that the maximum front yard be 7.5 metres (24.6 feet).

be approved, subject to the following conditions:

1. That the conditions imposed for Application B-27/14, be and form part of this approval.
2. That variance (b) relating to how the sight line triangle is measured only apply to existing features and fences.”

Carried

Application A-109/14

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. McNair and seconded by B. Birdsell,

“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 4.6.2.1.1 of Zoning By-law (1995)-14864, as amended, for 50 Yarmouth Street,

- a) to permit the sight line triangle to be measured 4 metres (13.12 feet) from the edge of the vehicular access and measured 3.4 metres (11.15 feet) from the edge of the sidewalk towards 50 Yarmouth Street, when the By-law requires that a sight line triangle at a driveway, lane, or other vehicular street access be the triangular area measured at 4 metres (13.12 feet) from the edge of the vehicular access at a 90 degree angle and measured at 5 metres (16.4 feet) from the edge of the sidewalk toward the lot at a 90 degree angle,

be approved, subject to the following condition:

1. That variance (a) relating to how the sight line triangle is measured only apply to existing features and fences.”

Carried

The meeting was adjourned by Committee member L. McNair at 6:43 p.m.

R. Funnell
Chair

T. Russell
Secretary-Treasurer