



**COMMITTEE OF ADJUSTMENT  
MINUTES**

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday November 26, 2015 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

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

Regrets: S. Dykstra

Staff Present: L. Sulatycki, Planner  
M. Witmer, Planner  
T. Di Lullo, Secretary-Treasurer  
V. Sobering, Council Committee Assistant

Declarations of Pecuniary Interest

Chair B. Birdsell declared an interest with application A-100/15 as he is the agent for this application.

Approval of Minutes

Moved by M. Bosch  
Seconded by P. Ross

THAT the Minutes from the November 12, 2015 Regular Meeting of the Committee of Adjustment, be approved as circulated.

Carried

**Application:** B-31/14(CC)  
**Owner:** University of Guelph  
**Agent:** M. Robson, Reid's Heritage Homes Ltd.  
**Location:** 781 Victoria Road South  
**In Attendance:** Matt Robson

Secretary-Treasurer T. Di Lullo noted that the request to change a condition is not a public process under the Planning Act and therefore public notice nor sign is required to be posted.

She indicated that if approved by the Committee, the approval would be subject to notice being given under Section 53(24) of the Planning Act and that all other conditions under File B-31/14 would remain. She indicated that since the lapsing date for consents is to be one year after notice is given; therefore to be consistent with the legislation, it was recommended that the proposed revised condition specify the date of December 1, 2016.

Mr. M. Robson explained the application and indicated that the Ontario Municipal Board decision was recently received.

The Committee had no questions for the applicant or agent.

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

Moved by M. Bosch  
Seconded by L. Janis

THAT in the matter of an application under Section 53(23) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to amend condition 23 of the previously approved consent application File B-31/14 for 781 Victoria Road South to:

*23. 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 requires for endorsement, prior to December 1, 2016.*

and THAT notice be given pursuant to Section 53(24), be **APPROVED**, subject to the following condition:

1. All other conditions under File B-31/14 remain.

REASONS:

This application to amend a condition of File B-31/14 is approved, as it is the opinion of the Committee that, with the above noted condition of approval, this will allow additional time to fulfill the conditions of Consent due to the appeal at the Ontario Municipal Board.

CARRIED

**Application:** A-96/15  
**Owner:** Fusion Homes  
**Agent:** P. Clarke, Fusion Homes  
**Location:** 87 Zaduck Place  
**In Attendance:** Patrick Clarke

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

the sign was damaged and re-posted immediately. He indicated that the sales office is only going to be for a temporary period of time.

In response to a question from Committee member K. Ash, Planner L. Sulatycki responded that only one parking space is required for a dwelling unit.

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

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

Moved by D. Kendrick

Seconded by K. Ash

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 87 Zaduck Place, to permit the required parking space to be 0.8 metres from the street line and to the front of the front wall of the dwelling, when the By-law requires that in a R.1 zone, every required parking space shall be located a minimum of 6 metres from the street line and to the rear of the front wall of the main building, be **APPROVED**, subject to the following condition:

1. That the owner enters into a Site Plan Agreement registered on the title of the property prior to the issuance of a building permit, requiring that the sales office be removed within the garage and the garage restored to accommodate a 3 metre by 6 metre parking space for the dwelling, prior to the transfer of title to a subsequent owner or within 3 years of the issuance of the building permit, whichever occurs first.

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.

CARRIED

**Application:**           **A-97/15**  
**Owner:**               **Jonathon Cleary**  
**Agent:**               **N/A**  
**Location:**           **305 Colonial Drive**  
**In Attendance:**      **Jonathon Cleary**

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. Cleary, owner, replied that the

sign was posted and comments were received. Mr. J. Cleary explained the purpose of the application.

The Committee had no questions for the applicant.

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

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

Moved by P. Ross  
Seconded by D. Kendrick

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 305 Colonial Drive, to permit the accessory apartment to have an area of 116.2 square metres (35.4% of the total floor area), when the By-law requires that an accessory apartment not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 square metres in floor area, whichever is lesser, be **APPROVED**.

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.

CARRIED

**Applications:** B-12/15 & B-23/15  
**Owner:** Hira Custom Homes Inc.  
**Agent:** J. Buisman, Van Harten Surveying Inc.  
**Location:** 156 Niska Road  
**In Attendance:** Jeff Buisman  
Colin Vanderwoerd  
Bob Mason  
Kamal Hira

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.

Mr. J. Buisman outlined the application. Mr. J. Buisman requested that the conditions regarding parkland dedication #25 and #26 for B-12/15 be reworded to reflect the parkland conditions that were originally recommended by staff prior to deferral.

In response to a question from Committee member M. Bosch, Planner L. Sulatycki noted that these conditions were prepared by Parks Planning staff and responded that she was not prepared to modify the parkland conditions without speaking to staff first.

In response to a question from Committee member K. Ash, Planner L. Sulatycki responded that these are standards conditions for a severance application. Committee member K. Ash noted that she believed they were standard conditions and are part of the cost of development.

Mr. J. Buisman noted that the wording of the standard parkland conditions has changed recently, and previously the wording required a set amount for cash in-lieu-of parkland.

Committee member D. Kendrick noted that the percentage requirement for parkland dedication has been in the Planning Act for many years. He noted he was unaware of where the \$1500 amount originated from.

Mr. B. Mason, applicant, stated he was concerned with how cash in-lieu-of parkland is calculated and felt it was unfair to change the condition while an application is in progress and without a revised parkland dedication by-law or policy in place.

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

In response to a question from Committee member D. Kendrick, Mr. J. Buisman replied that the applicant is satisfied with the recommended conditions regarding tree preservation.

#### Application B-12/15

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 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 to severance of Concession 5, Part Lot 14, formerly Township of Puslinch, municipally known as 156 Niska Road, a parcel with frontage along Niska Road of 15.2 metres, a depth of 83.3 metres, and an area of 1,266.2 square metres, be **APPROVED**, subject to the following conditions:

1. That prior to endorstation of the deeds, the owner shall pay to the City half of the actual cost of the sanitary sewer main and watermain across the frontage of the proposed lands to be retained, as determined by the General Manager/City Engineer.
2. Prior to endorstation of the deeds, the owner shall pay to the City half of the actual cost of the sanitary sewer main and watermain across the frontage of the proposed lands to be severed as determined by the General Manager/City Engineer.

3. Prior to endorsation of the deeds, the owner shall be responsible for all of the costs associated with the demolition and removal of the existing dwelling from the proposed retained lands and the proposed severed lands.
4. Prior to endorsation of the deeds, the owner will be responsible to decommission the existing septic system and private well to the satisfaction of the City's Plumbing/Sewage System Inspector.
5. That the owner pays the actual cost of the removal of the existing sanitary and water service laterals from the road allowance, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to endorsation of the deeds.
6. That the owner pays the actual cost associated with the removal of the existing asphalt within the road allowance from the area of the existing driveway entrance, the restoration of the boulevard with topsoil and sod including any required curb fills, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to endorsation of the deeds.
7. That the owner agrees to pay the actual cost of constructing new service laterals to the proposed retained lands and the proposed severed lands including the cost of any curb cuts or curb fills required, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of any building permit.
8. That the owner pays to the City the actual cost of construction of the new driveway entrances and the required curb cuts and/or curb fills and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost of the new driveway entrances and the required curb cuts and/or curb fills, as determined by the General Manager/City Engineer.
9. That prior to the issuance of any building permits on the said lands, the owner shall pay the flat rate charge applied to tree planting for the proposed severed lands, established by the City.
10. That the owner constructs the new dwellings at such an elevation that the lowest level of the buildings can be serviced with a gravity connection to the sanitary sewer.
11. That the owner enters into a Storm Sewer Agreement as established by the City, providing a grading and drainage plan, registered on title, satisfactory to the General Manager/City Engineer, prior to endorsation of the deeds.
12. That a legal off-street parking space be created on the proposed retained lands and the proposed severed lands; at a minimum setback of 6-metres from the property line at the street.
13. 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.

14. 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.
15. That all electrical services to the lands are underground and the owner shall make satisfactory arrangements with the Engineering Department of Guelph Hydro Electric Systems Inc. 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 endorsation of the deeds, the owner shall enter into an 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. That the owner shall pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
19. That a site plan shall be submitted to, and approved by the General Manager of Planning, Urban Design, and Building Services and the City Engineer, prior to the issuance of a building permit for the new dwellings on the retained and severed lots indicating:
  - i. The location and design of the new dwelling;
  - ii. All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must be shown, including appropriate protective measures to maintain them throughout the development process;
  - iii. The location of the new dwelling with a setback that is in character with the surrounding area; and,
  - iv. Grading, drainage and servicing information.
20. That prior to the issuance of a building permit, elevation and design drawings for the new dwellings on the retained and severed parcels be submitted to, and approved by the General Manager of Planning, Urban Design, and Building Services, in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.

21. That prior to the issuance of a building permit the applicant prepare and submit a detailed Tree Inventory, Preservation and Compensation Plan completed by a qualified Arborist prior to the issuance of building permit and prior to undertaking activities which may injure or destroy regulated trees.
22. That the applicant shall demonstrate efforts to maximize tree preservation in accordance with the Urban Forest policies of the 2014 City of Guelph Official Plan and Tree By-law (2010)-19058, or any successors thereof, to the satisfaction of the City's Environmental Planner.
23. That no vegetation removal shall occur during the breeding bird season (May-June), as per the Migratory Bird Act.
24. That prior to the endorsement of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.
25. The Owner shall be responsible for the payment of cash-in-lieu of parkland dedication to the satisfaction of the Deputy CAO of Public Services pursuant to s. 51.1 and s. 53(13) of the Planning Act prior to the endorsement of the Transfer (deed).
26. Prior to the endorsement of the Transfer (deed) by the City, the Owner shall provide to the Deputy CAO of Public Services a satisfactory appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the payment of cash-in-lieu of parkland dedication pursuant to s.51.1 and s.53(13) of the Planning Act. The appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services. Notwithstanding the foregoing, if the appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services, acting reasonably, the City reserves the right to obtain an independent appraisal for the purposes of calculating the payment of cash-in-lieu of parkland dedication.
27. That prior to issuance of a building permit, the applicant makes arrangements with Technical Services for the servicing of the newly created lots via underground services. This cost is 100% chargeable to the applicant.
28. 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.
29. 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.
30. 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.

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

Carried

REASONS:

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

Application B-23/15

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 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 to severance of Concession 5, Part Lot 14, formerly Township of Puslinch, municipally known as 156 Niska Road, a parcel with frontage along Niska Road of 15.2 metres, a depth of 83.3 metres, and an area of 1,266.2 square metres, be **APPROVED**, subject to the following conditions:

1. That prior to endorsation of the deeds, the owner shall pay to the City half of the actual cost of the sanitary sewer main and watermain across the frontage of the proposed lands to be retained, as determined by the General Manager/City Engineer.
2. Prior to endorsation of the deeds, the owner shall pay to the City half of the actual cost of the sanitary sewer main and watermain across the frontage of the proposed lands to be severed as determined by the General Manager/City Engineer.
3. Prior to endorsation of the deeds, the owner shall be responsible for all of the costs associated with the demolition and removal of the existing dwelling from the proposed retained lands and the proposed severed lands.
4. Prior to endorsation of the deeds, the owner will be responsible to decommission the existing septic system and private well to the satisfaction of the City's Plumbing/Sewage System Inspector.
5. That the owner pays the actual cost of the removal of the existing sanitary and water service laterals from the road allowance, with the estimated cost of

the works as determined necessary by the General Manager/City Engineer being paid, prior to endorstation of the deeds.

6. That the owner pays the actual cost associated with the removal of the existing asphalt within the road allowance from the area of the existing driveway entrance, the restoration of the boulevard with topsoil and sod including any required curb fills, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to endorstation of the deeds.
7. That the owner agrees to pay the actual cost of constructing new service laterals to the proposed retained lands and the proposed severed lands including the cost of any curb cuts or curb fills required, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of any building permit.
8. That the owner pays to the City the actual cost of construction of the new driveway entrances and the required curb cuts and/or curb fills and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost of the new driveway entrances and the required curb cuts and/or curb fills, as determined by the General Manager/City Engineer.
9. That prior to the issuance of any building permits on the said lands, the owner shall pay the flat rate charge applied to tree planting for the proposed severed lands, established by the City.
10. That the owner constructs the new dwellings at such an elevation that the lowest level of the buildings can be serviced with a gravity connection to the sanitary sewer.
11. That the owner enters into a Storm Sewer Agreement as established by the City, providing a grading and drainage plan, registered on title, satisfactory to the General Manager/City Engineer, prior to endorstation of the deeds.
12. That a legal off-street parking space be created on the proposed retained lands and the proposed severed lands; at a minimum setback of 6-metres from the property line at the street.
13. 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.
14. 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.
15. That all electrical services to the lands are underground and the owner shall make satisfactory arrangements with the Engineering Department of Guelph Hydro Electric Systems Inc. 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 endorsation of the deeds, the owner shall enter into an 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. That the owner shall pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
19. That a site plan shall be submitted to, and approved by the General Manager of Planning, Urban Design, and Building Services and the City Engineer, prior to the issuance of a building permit for the new dwellings on the retained and severed lots indicating:
  - i. The location and design of the new dwelling;
  - ii. All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must be shown, including appropriate protective measures to maintain them throughout the development process;
  - iii. The location of the new dwelling with a setback that is in character with the surrounding area; and,
  - iv. Grading, drainage and servicing information.
20. That prior to the issuance of a building permit, elevation and design drawings for the new dwellings on the retained and severed parcels be submitted to, and approved by the General Manager of Planning, Urban Design, and Building Services, in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
21. That prior to the issuance of a building permit the applicant prepare and submit a detailed Tree Inventory, Preservation and Compensation Plan completed by a qualified Arborist prior to the issuance of building permit and prior to undertaking activities which may injure or destroy regulated trees.
22. That the applicant shall demonstrate efforts to maximize tree preservation in accordance with the Urban Forest policies of the 2014 City of Guelph Official Plan and Tree By-law (2010)-19058, or any successors thereof, to the satisfaction of the City's Environmental Planner.
23. That no vegetation removal shall occur during the breeding bird season (May-June), as per the Migratory Bird Act.

24. That prior to the endorsement of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.
25. The Owner shall be responsible for the payment of cash-in-lieu of parkland dedication to the satisfaction of the Deputy CAO of Public Services pursuant to s. 51.1 and s. 53(13) of the Planning Act prior to the endorsement of the Transfer (deed).
26. Prior to the endorsement of the Transfer (deed) by the City, the Owner shall provide to the Deputy CAO of Public Services a satisfactory appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the payment of cash-in-lieu of parkland dedication pursuant to s.51.1 and s.53(13) of the Planning Act. The appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services. Notwithstanding the foregoing, if the appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services, acting reasonably, the City reserves the right to obtain an independent appraisal for the purposes of calculating the payment of cash-in-lieu of parkland dedication.
27. That prior to issuance of a building permit, the applicant makes arrangements with Technical Services for the servicing of the newly created lots via underground services. This cost is 100% chargeable to the applicant.
28. 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.
29. 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.
30. 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.
31. 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.

CARRIED

**Applications:** B-24/15 & A-98/15  
**Owner:** Gopal Goel and Nasir Sajid  
**Agent:** J. Buisman, Van Harten Surveying Inc.  
**Location:** 67 Arkell Road  
**In Attendance:** Jeff Buisman  
Colin Vanderwoerd  
Stephen Maginnis  
Gopal Goel  
Deirdre Dunne  
Bob Norrish  
Rylan Pranger

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from U. Helmer with concerns about water pooling and potential flooding. A copy of the correspondence was provided to the Committee members.

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

Mr. J. Buisman provided a Powerpoint presentation outlining the application, reasons to support the application, and the neighbouring lot fabric.

Committee member D. Kendrick asked the agent if he would be satisfied with conditions should the applicant be approved. A copy of the conditions prepared by staff in the event the application is approved was provided to the agent.

In response to questions from Committee member L. Janis, Planner L. Sulatycki responded that Engineering will comment about drainage at a later stage in the process. Planner L. Sulatycki indicated that the neighbouring lots on Ridgeway Avenue were previously rezoned with specialized R.1B zones.

In response to a question from Committee member P. Ross, Planner L. Sulatycki responded that she could not speculate about future severance applications, and that the Committee does not set precedents, but an owner of a neighbouring property has the opportunity to submit a severance application.

In response to questions from Committee member M. Bosch, Mr. J. Buisman stated the proposed footprint for the new dwelling is 200 square metres, approximately 10 metres deep and 20 metres wide including the garage. Mr. J. Buisman indicated he preferred the current configuration of the severed and retained lots as they are both similar in size and lead to better functioning of the dwellings.

Mr. S. Maginnis, owner of 5 Ridgeway Avenue, provided concerns about precedent setting if the application is approved, and indicated that the Committee should consider the topography and potential water runoff and the previous drainage issues of the area.

Ms. D. Dunne, owner of 88 Arkell Road, stated she was in favour of the application and would rather have two single detached dwellings than higher density development.

Mr. J. Buisman indicated that he has reviewed the proposed conditions and they are acceptable.

In response to a question from Committee member D. Kendrick, Planner L. Sulatycki clarified that her recommendation for refusal was based on lot shape and the compatibility with the existing lot fabric of the neighbourhood.

#### Application B-24/15

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 D. Kendrick  
Seconded by L. Janis

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Registered Plan 544, Lot 28, municipally known as 67 Arkell Road, a parcel with frontage along Arkell Road of 22.8 metres, a depth of 24.3 metres, and an area of 555 square metres, be **APPROVED**, subject to the following conditions:

1. That the owner deeds to the City free of all encumbrances a 1.95-metre (6.39 feet) wide parcel of land for a road widening across the Arkell Road frontage as shown in red on the owners severance sketch, prior to endorstation of the deeds.
2. That prior to endorstation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the road widening.
3. That the owner pays the actual cost of the removal of the existing asphalt pavement from a portion of the existing driveway within the road allowance, the restoration of the boulevard with topsoil and sod including the required curb fill, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to endorstation of the deeds.
4. That the owner pays the actual costs associated with the removal of the existing brick pillars and the existing trees and shrubs from the new road allowance, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
5. That the owner shall remove the existing asphalt pavement, existing shed and gravel and any other materials from the proposed severed lands to the satisfaction of the General Manager/City Engineer, prior to endorstation of the deeds.

6. That the owner pays the actual cost of constructing new service laterals to the proposed severed lands including the cost of any curb cuts or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
7. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsonation of the deeds.
8. That the owner constructs the new dwelling at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
9. That the owner shall pay the flat rate charge to be applied to tree planting for the proposed severed lands, established by the City, prior to the issuance of a building permit.
10. That the owner pays the actual cost of the construction of the new driveway entrance and the required curb cut and curb fill, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
11. That a legal off-street parking space be created on the severed lands at a minimum setback of 6-metres from the Arkell Road property line.
12. Prior to the issuance of a 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. The owner shall make satisfactory arrangements with Union Gas for the servicing of the said lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to issuance of a building permit.
14. 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 severed lands, prior to the issuance of a building permit.
15. The owner shall ensure that all telephone service and cable TV service in 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 for the Said Lands, prior to issuance of a building permit.
16. That prior to endorsonation of the deeds, the owner shall enter into an 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.
17. That the owner shall pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws

thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.

18. That a site plan shall be submitted to, and approved by the General Manager of Planning, Urban Design, and Building Services and the City Engineer, prior to the issuance of a building permit for the new dwellings on the retained and severed lots indicating:
  - i. The location and design of the new dwelling;
  - ii. All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must be shown, including appropriate protective measures to maintain them throughout the development process;
  - iii. The location of the new dwelling with a setback that is in character with the surrounding area; and,
  - iv. Grading, drainage and servicing information.
19. That prior to the issuance of a building permit, elevation and design drawings for the new dwellings on the retained and severed parcels be submitted to, and approved by the General Manager of Planning, Urban Design, and Building Services, in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
20. That prior to the issuance of a building permit the applicant prepare and submit a detailed Tree Inventory, Preservation and Compensation Plan completed by a qualified Arborist prior to the issuance of building permit and prior to undertaking activities which may injure or destroy regulated trees.
21. That the applicant shall demonstrate efforts to maximize tree preservation in accordance with the Urban Forest policies of the 2014 City of Guelph Official Plan and Tree By-law (2010)-19058, or any successors thereof, to the satisfaction of the City's Environmental Planner.
22. That no vegetation removal shall occur during the breeding bird season (May-June), as per the Migratory Bird Act.
23. That prior to the endorsonation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.
24. The Owner shall be responsible for the payment of cash-in-lieu of parkland dedication at the rate of 5% of the value of the lands calculated on the day prior to the provisional consent being granted by the Committee of Adjustments to the satisfaction of the Deputy CAO of Public Services, pursuant to s. 51.1(1 & 3) and s. 53(13) of the *Planning Act*, prior to the endorsement of the Transfer (deed).
25. Prior to the endorsement of the Transfer (deed) by the City, the Owner shall provide to the Deputy CAO of Public Services a satisfactory appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the payment of cash-in-lieu of parkland dedication pursuant to s.51.1(1 & 3) and s.53(13) of the *Planning Act*. The appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services. Notwithstanding the foregoing, if the



appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services, acting reasonably, the City reserves the right to obtain an independent appraisal for the purposes of calculating the payment of cash-in-lieu of parkland dedication.

26. That the existing driveway be removed and that the new driveway be developed accordance to the application sketch and to the satisfaction of the Chief Building Official or his/her designate.
27. That prior to issuance of a building permit, the owner/applicant makes arrangements with Technical Services for the servicing of the newly created lot via an overhead service. 100% chargeable to the owner/applicant.
28. 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.
29. 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.
30. 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.
31. 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 this application does meet the criteria of section 51(24) of the Planning Act to which all consent applications must adhere.

NOT CARRIED

Application A-98/15

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

Moved by D. Kendrick  
Seconded by L. Janis

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2, Row 8 of Zoning By-law (1995)-14864, as amended, for 67 Arkell Road, to permit a rear yard of 4.3% of the lot depth, being 1.5 metres, when the By-law requires that the minimum rear yard be 20% of the lot depth, being 7.0 metres, be **APPROVED**.

REASONS:

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

NOT CARRIED

The motions for approval of B-24/15 and A-98/15 were not carried as the majority of members did not vote to support the motion.

Application B-24/15

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 for severance of Registered Plan 544, Lot 28, municipally known as 67 Arkell Road, a parcel with frontage along Arkell Road of 22.8 metres, a depth of 24.3 metres, and an area of 555 square metres, be **REFUSED**.

REASONS:

This application is refused, as it is the opinion of the Committee that this application does not meet the criteria of section 51(24) of the Planning Act to which all consent applications must adhere, specifically in regards to the dimensions and shape of the proposed lot as it is not in keeping with the lot fabric of the adjacent residential neighbourhood.

CARRIED

Application A-98/15

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 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 5.1.2, Row 8 of Zoning By-law (1995)-14864, as amended, for 67 Arkell Road, to permit a rear yard of 4.3% of the lot depth, being 1.5 metres, when the By-law requires that the minimum rear yard be 20% of the lot depth, being 7.0 metres, be **REFUSED**.

REASONS:

This application is refused, as it is the opinion of the Committee that this application does not meet all four tests under Section 45(1) of the Planning Act, specifically in regards to the reduction of amenity space proposed as a result of related consent application (B-24/15), which would provide significantly less amenity area for the proposed severed and retained lots than the existing lots in the neighbourhood.

CARRIED

**Application:** A-99/15  
**Owner:** CP REIT Ontario Properties Ltd.  
**Agent:** H. Handy, GSP Group  
**Location:** 1750 Gordon Street/124 Clair Road East  
**In Attendance:** Hugh Handy  
Sarah Code  
Kathy Kakish  
Ken Chan

Secretary-Treasurer T. Di Lullo noted that a memo from the agent on this application has been submitted clarifying the parking reduction request. A copy of the memo was provided to the Committee members.

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

Ms. S. Code clarified that there are no immediate plans for the expansion of Zehrs, and that the total number of parking spaces required by the Zoning By-law for the site is 531 spaces.

In response to questions from Committee member M. Bosch, Ms. S. Code responded that she did not believe further curb cuts could be accommodated as requested in the correspondence from the neighbour, as there already is a pedestrian crossing at the intersection. She indicated that it is approximately 50 metres between the pedestrian crossing the proposed curb cut.

Planner M. Witmer provided background regarding the development and related site plan application. Planner M. Witmer stated he was confident that the issues raised in the correspondence have been dealt with through the Site Plan Review Committee.

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

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

Moved by K. Ash

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, variance from the requirements of Sections 4.13.4.1, 4.22.4, and 6.2.3.2.17.2.4 of Zoning By-law (1995)-14864, as amended, for 1750 Gordon Street/124 Clair Road East,

- a) to permit 404 off-street parking spaces for the Neighbourhood Commercial Shopping Centre, when the By-law requires one (1) off-street parking space per 18 square metres of gross floor area for a Neighbourhood Commercial Shopping Centre [531 spaces required];
- b) to permit Future Retail Building J (as shown on site plan drawing SP1, prepared by Turner Fleisher Architects Inc., dated September 16, 2015) to be located a maximum of 11.0 metres from Gordon Street, when the By-law requires that all buildings adjacent to Gordon Street, Clair Road and Farley Drive are required to be constructed at a maximum 3 metre "build to line" from the street line;
- c) to permit existing Retail Building A (as shown on site plan drawing SP1, prepared by Turner Fleisher Architects Inc., dated September 16, 2015) to be located at a maximum of 90.0 metres from Gordon Street, when the By-law requires that the largest building in the CC-17 zone shall have an exterior side yard of a minimum of 3 metres and a maximum of 25.84 metres from Gordon Street; and
- d) to permit an outdoor sales and display area in conjunction with a garden centre to occupy 42 of the required parking spaces, when the By-law requires that no outdoor sales and display area shall occupy any required parking space, parking aisle or loading space,

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

1. The owner agrees to submit and receive approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of the building, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the General Manager, Planning, Urban Design and Building Services and the General Manager/City Engineer, prior to the issuance of site plan approval. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.
2. That the operation of the garden centre as well as total occupancy of the required 42 off-street parking spaces by the garden centre, including construction and dismantling, not exceed 90 calendar days.

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.

CARRIED

Chair B. Birdsell left the room at 5:25 p.m. Vice-Chair K. Ash assumed the role of the Chair.

**Application:**           **A-100/15**  
**Owner:**               **Nikan Inc.**  
**Agent:**               **B. Birdsell, J. William Birdsell Architect**  
**Location:**           **28-36 Essex Street**  
**In Attendance:**      **Nicki Hettinga**  
                              **Peter Hettinga**  
                              **Antony Dodd**  
                              **Cathy Dodd**  
                              **Pamela Fielding**  
                              **Cynthia Folzer**

Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from G. Main, A. Pica, K. Menzies, C. Murch, A. Gofton, Z. Ready, G. Ellis, H. Lyttle, J. Drenters, J. Parkinson, J. Oxenham and M. De Avila, and Gabriel H., and I. Panabaker from Downtown Renewal, in support of the application. Secretary-Treasurer T. Di Lullo noted that correspondence was received after the comment deadline from M. & D. Haley in opposition to the application. Copies of this correspondence were provided to the Committee members.

Secretary-Treasurer T. Di Lullo noted that correspondence was received from the agent on behalf of the owner requesting that the application be deferred. A copy of the correspondence was provided to the Committee members. She indicated that should the application be deferred, the applicant has requested that this application be heard at a special meeting which is tentatively scheduled for December 17, 2015.

Moved by D. Kendrick  
Seconded by M. Bosch

THAT Application A-100/15 for 28-36 Essex Street be deferred to the December 17, 2015 hearing, and that the deferral application fee be paid prior to reconsideration of the application.

REASONS:

This application is deferred to allow the application to be amended.

CARRIED

Chair B. Birdsell returned to the room at 5:30 p.m.

**Applications:**           **A-101/15 & A-102/15**

**Owners:**               **Benjamin Lam and Michele Flood (A-101/15),  
Bensom Lam and Melissa Lam (A-102/15)**

**Agent:**                 **N/A**

**Location:**            **90 & 92 Ingram Drive**

**In Attendance:**       **Benson Lam  
Melissa Lam  
Benjamin Lam  
Michele Lam**

Secretary-Treasurer T. Di Lullo noted the comments provided by the Permit and Zoning Administrator indicate that the appropriate variance should have been from Table 4.7, Row 2 rather than Table 5.1.2, Row 7 of the Zoning By-law. She noted that both tables require a 0.6 metre side yard setback.

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. Benson Lam, owner of 92 Ingram Drive, replied that the sign was posted and comments were received. Mr. B. Lam explained the application and showed photos of the walkway. He indicated that the walkway was built after the deck was constructed.

In response to a question from Committee member M. Bosch, Planner L. Sulatycki noted that the 0.6 metre setback applies from ground level and above.

Mr. B. Lam indicated that he would remove the walkway in the event he moved to another property. He indicated that a petition from his neighbours supporting the application was provided. Secretary-Treasurer T. Di Lullo circulated a copy of the petition to the Committee members.

In response to a question from Committee member D. Kendrick, Mr. B. Lam stated he made the applications after a building inspector performed an inspection as a result of a complaint.

In response to a question from Committee member M. Bosch, Planner L. Sulatycki explained that a condition requiring removal upon ownership transfer would be difficult for the City to enforce as the structure lies over two properties.

Chair B. Birdsell suggested that a time limit could be imposed for removal of the walkway. Planner L. Sulatycki indicated that this would be difficult to enforce as the time period would need to be monitored and the City is not always notified when ownership changes.

Planner L. Sulatycki clarified that her recommendation is for refusal as outlined in the staff comments. Mr. B. Lam expressed concerns as the staff he spoke with seemed to support the proposal at the time of his application.

In response to a question from Committee member K. Ash, Planner L. Sulatycki indicated that if the application is approved, the Committee may want to restrict the side yard variance to apply to the existing deck only.

Committee member D. Kendrick noted that no conditions were provided by staff.

In response to a question from Committee member M. Bosch, Planner L. Sulatycki indicated that the zoning regulations would also apply if the walkway was built on ground level.

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

Application A-101/15

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

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 2 of Zoning By-law (1995)-14864, as amended, for 90 Ingram Drive, to permit a right side yard of 0.0 metres, when the By-law requires that the minimum side yard be 0.6 metres, be **REFUSED**.

REASONS:

This application is refused, as it is the opinion of the Committee that this application does not meet all four tests under Section 45(1) of the Planning Act, specifically in regards to not meeting the intent of the Zoning By-law as the variance will allow for a physical connection of two single detached dwellings, and concerns about the desirability of allowing a 0.0 metre side yard in perpetuity, and the difficulty in enforcing removal if ownership changes.

NOT CARRIED

The motion to refuse was not carried as there was no seconder.

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 4.7 Row 2 of Zoning By-law (1995)-14864, as amended, for 90 Ingram Drive, to permit a right side yard of 0.0 metres, when the By-law requires that the minimum side yard be 0.6 metres, be **APPROVED**.

REASONS:

This application is approved, as it is the opinion of the Committee that this application does meet all four tests under Section 45(1) of the Planning Act.

NOT CARRIED

The motion to approve was not carried as the majority of the members did not support the motion.

Moved by K. Ash  
Seconded by L. Janis

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7 Row 2 of Zoning By-law (1995)-14864, as amended, for 90 Ingram Drive, to permit a right side yard of 0.0 metres, when the By-law requires that the minimum side yard be 0.6 metres, be **REFUSED**.

REASONS:

This application is refused, as it is the opinion of the Committee that this application does not meet all four tests under Section 45(1) of the Planning Act, specifically in regards to not meeting the intent of the Zoning By-law as the variance will allow for a physical connection of two single detached dwellings, and concerns about the desirability of allowing a 0.0 metre side yard in perpetuity, and the difficulty in enforcing removal if ownership changes.

CARRIED

Application A-102/15

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

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 2 of Zoning By-law (1995)-14864, as amended, for 92 Ingram Drive, to permit a left side yard of 0.0 metres, when the By-law requires that the minimum side yard be 0.6 metres, be **REFUSED**.

REASONS:

This application is refused, as it is the opinion of the Committee that this application does not meet all four tests under Section 45(1) of the Planning Act, specifically in regards to not meeting the intent of the Zoning By-law as the variance will allow for



a physical connection of two single detached dwellings, and concerns about the desirability of allowing a 0.0 metre side yard in perpetuity, and the difficulty in enforcing removal if ownership changes.

NOT CARRIED

The motion to refuse was not carried as there was no seconder.

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 4.7 Row 2 of Zoning By-law (1995)-14864, as amended, for 92 Ingram Drive, to permit a left side yard of 0.0 metres, when the By-law requires that the minimum side yard be 0.6 metres, be **APPROVED**.

REASONS:

This application is approved, as it is the opinion of the Committee that this application does meet all four tests under Section 45(1) of the Planning Act.

NOT CARRIED

The motion to approve was not carried as the majority of the members did not support the motion.

Moved by K. Ash  
Seconded by L. Janis

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7 Row 2 of Zoning By-law (1995)-14864, as amended, for 92 Ingram Drive, to permit a left side yard of 0.0 metres, when the By-law requires that the minimum side yard be 0.6 metres, be **REFUSED**.

REASONS:

This application is refused, as it is the opinion of the Committee that this application does not meet all four tests under Section 45(1) of the Planning Act, specifically in regards to not meeting the intent of the Zoning By-law as the variance will allow for a physical connection of two single detached dwellings, and concerns about the desirability of allowing a 0.0 metre side yard in perpetuity, and the difficulty in enforcing removal if ownership changes.

CARRIED

Consideration of refund of the application fee for application A-102/15, 92 Ingram Drive South

Secretary-Treasurer T. Di Lullo noted that a request for a full refund of one of the application fees (\$750.00) was submitted by the owner and the reason given was that the application involves one walkway between both dwellings.

Committee member K. Ash commented that she was concerned about the refund request as the application involved two separate properties and two fees should be required.

Moved by P. Ross  
Seconded by L. Janis

THAT the application fee, being \$750.00 for Application A-102/15, 92 Ingram Drive, be refunded to the applicant.

CARRIED

Other Business

None.

Adjournment

Moved by D. Kendrick  
Seconded by M. Bosch

THAT the hearing of the Committee of Adjustment be adjourned at 5:45 p.m.

B. Birdsell  
Chair

T. Di Lullo  
Secretary-Treasurer