



**COMMITTEE OF ADJUSTMENT  
MINUTES**

The Committee of Adjustment for the City of Guelph held its Regular Hearing on Thursday October 11, 2018 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

K. Ash, Vice Chair  
S. Dykstra (arrived at 4:05 p.m.)  
D. Gundrum  
L. Janis  
D. Kendrick  
P. Ross

Regrets: B. Birdsell, Chair

Staff Present: S. Daniel, Engineering Technologist  
T. Di Lullo, Secretary-Treasurer  
T. Gayman, Manager – Infrastructure, Development and Environmental Engineering  
P. Sheehy, Program Manager - Zoning  
L. Sulatycki, Planner  
D. Tremblay, Council Committee Coordinator  
A. Watts, Planner

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by D. Gundrum  
Seconded by D. Kendrick

THAT the Minutes from the September 13, 2018 Regular Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Committee member S. Dykstra arrived at 4:05 p.m.

Requests for Withdrawal or Deferral

**Application: B-9/18 & B-10/18**

**Owner: Paul and Maria Leombruni**

**Agent:** Jeff Buisman, Van Harten Surveying Inc.  
**Location:** 1 and 15 Stevenson Street North and 8 William Street  
**In Attendance:** Jeff Buisman  
Taylor McDaniel  
Astrid Clos

Secretary-Treasurer T. Di Lullo noted that a verbal deferral request had been received from the property owner the morning of the hearing, but no reasons for the request were given. She indicated that correspondence from the solicitor for the future owners and developers of the property had been received requesting that the Committee not defer the applications. A copy of the correspondence from Mr. V. Starratt, solicitor for the future owners, was circulated to the Committee members.

Mr. J. Buisman, agent, confirmed his position that the applications proceed ahead and not be deferred.

In response to questions from member D. Kendrick, Mr. J. Buisman confirmed that he was the designated agent on behalf of the current property owners.

Ms. A. Clos, Planning Consultant for the applications, provided the application history and indicated she was unclear about the reasons for the owner's request for deferral.

Moved by D. Kendrick  
Seconded by

THAT Applications B-9/18 and B-10/18 for 1 and 15 Stevenson Street North and 8 William Street, be **DEFERRED** sine die, and in accordance with the Committee's policy on applications deferred sine die, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of the application.

REASONS:

This application is deferred at the request of the owner.

NOT CARRIED

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

Current Applications

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

Vice Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. J. Fryett, agent, responded that the sign was posted and comments were received.

Mr. J. Fryett briefly explained the application.

In response to a question from member D. Gundrum, Mr. J. Fryett responded that there were no sight line triangle issues.

No members of the public spoke.

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

Moved by S. Dykstra

Seconded by P. Ross

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 6.6.3.13.2.1 of Zoning By-law (1995)-14864, as amended, for 728 Eramosa Road, to permit a minimum exterior side yard of 1.7 metres for the proposed four storey building, when the By-law requires a minimum exterior side yard of 3 metres, be **APPROVED**, subject to the following condition:

1. That the variance shall only apply to the portion of the north side of the proposed apartment building in general accordance with the Public Notice sketch.

REASONS:

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

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

CARRIED

**Application: B-9/18 & B-10/18**

**Owner: Paul and Maria Leombruni**

**Agent: Jeff Buisman, Van Harten Surveying Inc.**

**Location: 1 and 15 Stevenson Street North and 8 William Street**

**In Attendance:**     **Jeff Buisman**  
                          **Taylor McDaniel**  
                          **Astrid Clos**

Vice Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. J. Buisman, agent, responded that the sign was posted and comments were received.

Mr. J. Buisman showed a copy of the survey sketch and explained the applications.

The Committee had no questions for the agent.

No members of the public spoke.

Application B-9/18

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

Moved by     L. Janis  
Seconded by D. Gundrum

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 38, Registered Plan 230, currently known as 1 Stevenson Street North, a parcel with frontage along Stevenson Street North of 15.6 metres, and an area of 461 square metres, as well as consent for creation of a 5 square metre easement for the existing sanitary sewer in the front southern corner of the severed parcel, substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated March 12, 2018 and amended July 12, 2018, project number 23587-16, be **APPROVED**, subject to the following conditions:

1. That prior to the issuance of the Certificate of Official, the Owner/Developer shall construct the new driveway (as shown on the Public Notice Sketch) to allow access through the "retained" lands (future Condominium road) to the satisfaction of the General Manager of Planning, Urban Design and Building Services and the General Manager/City Engineer.
2. That the Owner/Developer shall place the following notifications in the offer of purchase and sale/lease for the dwelling unit and agrees that these same notifications shall be placed in the agreement to be registered on title: "Purchasers and/or tenants of the dwelling are advised of the time frame during which construction activities may occur surrounding the dwelling, and the potential for residents to be inconvenienced by construction activities such as noise, dust, dirt, debris, drainage and construction traffic."
3. The following warning clause shall be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of the dwelling unit within 300m of the railway right-of-way: "Warning: Metrolinx or its assigns or successors in interest has or have a right-of-way within 300

metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.”

4. That prior to the issuance of the Certificate of Official, the Owner/Developer shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the safety berm, fencing and vibration isolation measures implemented for the railway are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of Metrolinx.
5. That prior to the issuance of the Certificate of Official, and prior to undertaking activities which may injure or destroy regulated trees, the applicant shall submit a revised Tree Preservation Plan (TIPP) prepared by an arborist and in accordance with the Private Tree Protection By-law (2010-19058) for approval and to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
6. That prior to the issuance of the Certificate of Official, and prior to undertaking activities which may injure or destroy regulated trees, the applicant submit a Landscaping, Compensation and Replacement Plan (LCRP) in accordance with the Private Tree Protection By-law (2010-19058) for approval to the satisfaction of the General Manager of Planning, Urban Design and Building Services, and the LCRP must be implemented.
7. That prior to the issuance of the Certificate of Official, and prior to undertaking activities which may injure or destroy trees, the applicant will provide securities covering a portion of the cost of the approved Landscaping, Compensation and Replacement Plan (LCRP) based on a cost estimate provided by a qualified professional and to the satisfaction of the General Manager of Planning, Urban Design and Building Services. Securities will be held until implementation of the LCRP.
8. That prior to the issuance of the Certificate of Official, and prior to undertaking activities which may injure or destroy regulated trees, and where replacement plantings are not achievable on the subject lands, the owner will provide cash in lieu payment in accordance with the Private Tree Protection By-law (2010-19058), to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
9. That prior to the issuance of the Certificate of Official, the applicant, to the satisfaction of the Chief Building Official or Designate, demonstrate that there will be appropriate servicing to the existing dwellings fronting William Street and Stevenson Street North.

10. That prior to the issuance of the Certificate of Official, the Owner/Developer shall enter into an agreement with the City, to be registered on title, satisfactory to the City Solicitor which includes the above conditions.
11. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
12. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
13. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).
14. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

REASONS:

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

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

CARRIED

Application B-10/18

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

Moved by L. Janis  
Seconded by D. Gundrum

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 38, Registered Plan

230, currently known as 8 William Street, a parcel with frontage along William Street of 13.6 metres, a depth of 45.6 metres, and an area of 624 square metres, as well as consent for creation of a 232 square metre sanitary sewer easement across the severed parcel, substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated March 12, 2018 and amended July 12, 2018, project number 23587-16, be **APPROVED**, subject to the following conditions:

1. That prior to the issuance of the Certificate of Official, the Owner/Developer shall remove the garage (as noted on the Public Notice Sketch) to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
2. That prior to the issuance of the Certificate of Official and prior to undertaking activities which may injure or destroy City owned trees, where it is determined through the preparation of the TIPP that removal or harm of a City owned tree is required; a certified Arborist must provide a written analysis of the reasons for the City tree's removal to the satisfaction of the Manager of Parks Operations and Forestry.
3. That prior to the issuance of the Certificate of Official, the Owner/Developer shall be responsible for the cost of design, development and implementation (including planting) of a Street Tree Planting Plan in accordance with City specifications for replacement of any City trees being removed as a result of the severance. The Owner/Developer shall provide the City with cash or letter of credit to cover the City approved estimate for the cost of development of the street tree plan to the satisfaction of the City. The Owner/Developer shall warranty the trees for two winters. Replacement trees are to be warrantied for (a) the remainder of the warranty period of the original tree or (b) an additional year, whichever is greater. Once the tree has been planted, the Owner/Developer shall provide the City with a certificate that certifies that the tree stock quality meets Canadian Nursery Landscape Association standards and that the tree has been planted following the City's Part B Specifications. The certificate must be certified by a landscape architect, certified arborist or professional forester (who must be a qualified member of the Ontario Professional Foresters Association). At the end of the warranty period (after the second winter), the Owner/Developer shall provide the City with a second certificate that certifies that the tree was cared for as per the approved watering and maintenance plan on the Street Tree Planting Plan and that the tree is free of defects and disease.
4. That the Owner/Developer shall place the following notifications in the offer of purchase and sale/lease for the dwelling unit and agrees that these same notifications shall be placed in the agreement to be registered on title: "Purchasers and/or tenants of the dwelling are advised of the time frame during which construction activities may occur surrounding the dwelling, and the potential for residents to be inconvenienced by construction activities such as noise, dust, dirt, debris, drainage and construction traffic."
5. The following warning clause shall be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of the dwelling unit within 300m of the railway right-of-way: "Warning: Metrolinx or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or

expansions of the railway facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.”

6. That prior to the issuance of the Certificate of Official, and prior to undertaking activities which may injure or destroy regulated trees, the applicant shall submit a revised Tree Preservation Plan (TIPP) prepared by an arborist and in accordance with the Private Tree Protection By-law (2010-19058) for approval and to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
7. That prior to the issuance of the Certificate of Official, and prior to undertaking activities which may injure or destroy regulated trees, the applicant submit a Landscaping, Compensation and Replacement Plan (LCRP) in accordance with the Private Tree Protection By-law (2010-19058) for approval to the satisfaction of the General Manager of Planning, Urban Design and Building Services, and the LCRP must be implemented.
8. That prior to the issuance of the Certificate of Official, and prior to undertaking activities which may injure or destroy trees, the applicant will provide securities covering a portion of the cost of the approved Landscaping, Compensation and Replacement Plan (LCRP) based on a cost estimate provided by a qualified professional and to the satisfaction of the General Manager of Planning, Urban Design and Building Services. Securities will be held until implementation of the LCRP.
9. That prior to the issuance of the Certificate of Official, and prior to undertaking activities which may injure or destroy regulated trees, and where replacement plantings are not achievable on the subject lands, the owner will provide cash in lieu payment in accordance with the Private Tree Protection By-law (2010-19058), to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
10. Prior to the issuance of the Certificate of Official, the developer shall provide the City with easements for the existing sewer mains that cross the site (8 William Street). The easements dimensions must be to the satisfaction of the City and the easements must be created and registered at no cost to the City. All easements shall be transferred clear of encumbrance to the satisfaction of the City Solicitor.
11. Prior to the issuance of the Certificate of Official, the Owner/Developer shall construct a driveway access onto the severed lot to the satisfaction of the General Manager/City Engineer. The Owner/Developer shall pay to the City the actual cost of the driveway access, curb cuts, fills and sidewalk.
12. That prior to the issuance of the Certificate of Official, the applicant, to the satisfaction of the Chief Building Official or Designate, demonstrate that there



will be appropriate servicing to the existing dwellings fronting William Street and Stevenson Street North.

13. That prior to the issuance of the Certificate of Official, the Owner/Developer shall enter into an agreement with the City, to be registered on title, satisfactory to the City Solicitor which includes the above conditions.
14. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
15. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
16. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).
17. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

REASONS:

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

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

CARRIED

**Application:**           **A-65/18**  
**Owner:**               **Champion Storage Ltd.**  
**Agent:**               **John Lambe**  
**Location:**           **24 Hayes Avenue**

**In Attendance:     John Lambe  
                          Dave Bryer**

Vice Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. J. Lambe, agent, responded that the sign was posted and comments were received.

In response to a question from member S. Dykstra, Planner L. Sulatycki responded that the parking provided is sufficient for the proposed addition.

No members of the public spoke.

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

Moved by     D. Kendrick  
Seconded by L. Janis

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 7.3 Row 3 of Zoning By-law (1995)-14864, as amended, for 24 Hayes Avenue, to permit an exterior side yard setback of 1.14 metres along Hayes Avenue for the proposed addition to the existing industrial building, when the By-law requires an exterior side yard setback of 6 metres, be **APPROVED**, subject to the following condition:

1. That the variance shall only apply to the portion of the building in general accordance with the Public Notice sketch.

REASONS:

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

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

CARRIED

**Application:        A-71/18**  
**Owner:             2320339 Ontario Inc.**  
**Agent:             Astrid Clos, Astrid J. Clos Planning Consultants**  
**Location:         1515 Gordon Street**

**In Attendance: Astrid Clos**

Vice Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. A. Clos, agent, responded that the sign was posted and comments were received.

Ms. A. Clos briefly explained the application.

The Committee had no questions for the agent.

No members of the public spoke.

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

Moved by P. Ross  
Seconded by D. Gundrum

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 6.6.3.14.1 of Zoning By-law (1995)-14864, as amended, for 1515 Gordon Street, to permit a commercial school (after-school tutoring centre) in a 222 square metre area of the existing commercial building, when the By-law permits a variety of uses in the CR-14 Zone, but does not permit a commercial school use, be **APPROVED**, subject to the following condition:

1. That the commercial school use be limited to 222m<sup>2</sup>.

**REASONS:**

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

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

CARRIED

**Application: A-72/18**

**Owner: Armel Corporation**

**Agent: Matthew Warzecha and Glen Scheels, GSP Group**

**Location: 954 Paisley Road**

**In Attendance: Matthew Warzecha**

Secretary-Treasurer T. Di Lullo noted that revised conditions were provided to include a requirement for the owner to enter into an agreement with the City to remove the sales office within two years of building permit issuance. A copy of the revised conditions were circulated to the Committee members.

Vice Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. M. Warzecha, agent, responded that the sign was posted and comments, including revised conditions, were received.

Mr. M. Warzecha explained the application and indicated agreement with the revised conditions.

In response to a question from member S. Dykstra, Mr. M. Warzecha indicated that he believes the sales operations can be completed within two years based on the current market.

In response to a question from member L. Janis, Mr. M. Warzecha replied that the adjacent building is in process of being leased and was not an appropriate location for the proposed use. He indicated that the proposed use is a permitted use if the building was permanent and meets all setbacks and buffering requirements. He indicated that a traffic analysis was completed for the entire site and there were no concerns.

In response to a question from member P. Ross, Mr. M. Warzecha replied that the property will be subject to site plan approval and appropriate location will be identified to place the sign.

No members of the public spoke.

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

Moved by S. Dykstra  
Seconded by L. Janis

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.21.5 of Zoning By-law (1995)-14864, as amended, for 954 Paisley Road, to permit a temporary real estate sales office on the developed property for a maximum of two years, when the By-law permits in the NC Zone a real estate sales office as an occasional use on a construction site until such construction is completed or a final building inspection is conducted, whichever events occurs first, be **APPROVED**, subject to the following conditions:

1. That the real estate sales office be permitted for a maximum of two (2) years from the date of issuance of a building permit.

2. That the owner enters into a Development Agreement registered on title of the property prior to issuance of a building permit, requiring that the temporary real estate sales office be removed within two (2) years of the issuance of the building permit.
3. That prior to issuance of a building permit, the applicant makes arrangement for the servicing of the new building from the main electrical room on site, satisfactory to the Technical Services Department of the Guelph Hydro Electric Systems Inc. This would be at the applicant's expense.

REASONS:

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

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

CARRIED

**Application:**            **A-73/18**  
**Owner:**                **Tanja Ducharme**  
**Agent:**                **N/A**  
**Location:**            **64 Chesterton Lane**  
**In Attendance:**      **Tanja Ducharme**

Vice Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. T. Ducharme, owner, responded that the sign was posted and comments were received.

Ms. T. Ducharme explained the application. She acknowledged that prior to the hearing she submitted additional correspondence from D. Carere in support of her application.

In response to a question from member S. Dykstra, Ms. T. Ducharme indicated she was willing to install a 0.6 metre landscape strip between the driveways by removing asphalt, placing mulch, and installing a drainage pipe.

In response to a question from member S. Dykstra, Planner A. Watts replied that by installing the landscape strip and reducing the driveway width to 5 metres it would still result in a driveway that is 67 percent of the frontage, and therefore it would not be supportable by staff.

In response to questions from member P. Ross, Ms. T. Ducharme replied that she has parked two cars on the driveway for a long time. She indicated that she parks in the garage,

the tenant would have a parking space in the driveway, and her daughter will also have a space on the driveway.

In response to a question from member D. Gundrum, Planner L. Sulatycki responded that the Zoning By-law sets out regulations for driveway widths for the R.2 Zone which permits semi-detached dwellings and a smaller frontage is provided. She indicated that the 3.5 metre wide restriction is to ensure that the 7.5 metre frontage of the property is not dominated by the driveway. The restriction is also in place to provide for drainage. She noted that in 1996 when the dwelling was constructed, the Zoning By-law only allowed a maximum driveway width of 40 percent of the front yard or 3 metres. She indicated that it was her opinion that the request does not meet the general intent of the Zoning By-law.

Ms. T. Ducharme noted that City Council is pausing driveway width enforcement.

In response to a question from member P. Ross, Planner L. Sulatycki responded that she was not aware of a similar minor variance in the area. She acknowledged that the owner indicated there was a similar variance in the neighbourhood, but she did not have any details. She mentioned that there are some situations where the Zoning By-law previously required only two parking spaces for dwellings with accessory apartments.

No members of the public spoke.

Member L. Janis commented that the market currently supports a need for affordable housing and while the request might not meet the intent of the Zoning By-law, she indicated that an exemption should be provided.

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

Moved by S. Dykstra  
Seconded by D. Gundrum

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 Section 4.13.7.2.3 and Table 5.2.2 Row 15 of Zoning By-law (1995)-14864, as amended, for 64 Chesterton Lane,

- a) to permit a driveway width of 5.58 metres, when the By-law requires that a residential driveway in an R.2 Zone shall have a maximum driveway width of 3.5 metres; and
- b) to permit a driveway that is 0 metres from the left side lot line, when the By-law requires that a minimum area of 0.6 metres between the driveway and nearest lot line must be maintained as landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species,

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 being that requested variances do not meet the intent and purpose of the Zoning By-law, as the purpose is to limit driveway widths.

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

CARRIED

**Application:** B-17/18, B-18/18 & B-19/18

**Owner:** Kevin and Natasha Motton; Parry Schnick and Catriona Forbes

**Agent:** Jeff Buisman, Van Harten Surveying Inc.

**Location:** 11 & 12 Knevitt Place

**In Attendance:**

Jeff Buisman	John Stoddart
Kevin Motton	Chris Fischer
Parry Schnick	Greg Roberts
Kevin Brousseau	Jarred Hennesey
Maria Pinter	Joan Fischer
Steve Pinter	Kristan Chamberlain
Donna Nielsen	Annie Goodden
Lillian Rosendal	John Krikorian
Geraldine Pearsall	Rob McLaughlin
Sally Stoddart	Gabriel Scullion

Vice Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. J. Buisman, agent, responded that the sign was posted and comments were received.

Mr. J. Buisman showed the survey sketch and zoning map and explained the application.

Mr. K. Brousseau, Engineer from Stantec present on behalf of the owners, indicated that the proposed engineering design will urbanize the road with sidewalks, storm sewers, and sanitary sewers and will address water ponding on the street and reduce storm water conveyed to the street.

Mr. J. Buisman acknowledged that minor variances are needed for the lot frontages of the lots proposed at 12 Knevitt Place and these applications will be considered at the next hearing.

In response to a question from member D. Gundrum, Mr. K. Brousseau replied that 12 months is enough time to satisfy all the conditions.

In response to questions from member S. Dykstra, Mr. J. Buisman replied that no other minor variances are required. Planner L. Sulatycki confirmed that minor variances are required for the proposed lot frontages at 12 Knevitt Place and these applications have been submitted. She indicated that there is no requirement for the applicant to submit the severance and minor variances concurrently. She acknowledged that if the Committee approved the severance applications, staff had recommended a condition requiring the related minor variances to be approved before final consent approval is given.

In response to a question from member P. Ross, Planner L. Sulatycki responded that both applications meet the criteria outlined in the Planning Act and Official Plan. She read the definition of compatible as defined in the Official Plan. She indicated the lots are large enough to have similar setbacks as existing lots in the area and believes the additional lots will not create an unacceptable adverse impact.

Ms. M. Pinter, resident at 24 Kendrick Avenue, provided concerns about a potential lodging house and parking availability. She expressed concerns about safety as there are two daycares that walk children in the neighbourhood. She explained there has been previous storm water drainage issues in the area.

Mr. J. Buisman responded by indicating that the owners had no plans for student housing or a lodging house. He indicated that parking will be provided on the driveways and the engineering design will address storm water drainage.

In response to questions from member S. Dykstra, Mr. K. Brousseau indicated that design proposes to urbanize Knevitt Place from Crane Avenue to Kendrick Avenue, which would include sanitary sewer, storm sewer, and sidewalks in accordance with the City's current urban design standards.

Mr. R. McLaughlin, resident of 8 Crane Avenue, indicated that there are properties along Kendrick Avenue that also have septic systems. He had concerns about the shorter frontages proposed for the lots at 12 Knevitt Place and the number of lots proposed and the resulting impact on the neighbourhood. He also indicated he was unsure who would be paying for the urbanization of the street.

In response to a question from Vice Chair K. Ash, Engineering Technologist S. Daniel replied there is currently no long-term plan to fully develop Knevitt Place. He indicated that the sanitary sewer installation up to the property line will be funded by the applicants.

In response to a question from member D. Gundrum, Engineering Technologist S. Daniel replied that the applicant will be paying for sanitary sewer, sidewalk, and curb along their frontages only.

Ms. A. Goodden, resident of 7 Knevitt Place, expressed concerns about the continued viability of her well and septic system and impact on the peaceful ambiance of the neighbourhood. She expressed concerns about the number of lots proposed. She indicated that the drawing included in the public notice shows that her fence is encroaching on 11 Knevitt Place.

Mr. K. Brousseau replied that the urbanization will help prevent street ponding and the rooftops will help with water infiltration into the rear yards. Mr. J. Buisman replied that the removal of two existing septic systems will also help with water quality.



In response to a question from Vice Chair K. Ash, Mr. J. Buisman replied that the fence matter is a private matter between the two neighbours.

In response to a question from member D. Gundrum, Engineering Technologist S. Daniel responded that it is not an absolute requirement for all residents to connect to the sanitary sewer. He clarified that the sewer will only be extended to up to the applicants' properties and not all the way to Kendrick Avenue. He indicated that currently there is no timeline proposed for the urbanization of Knevitt Place.

In response to a question from member S. Dykstra, Planner L. Sulatycki responded that 11 Knevitt Place is less than 0.2 hectares and therefore not subject to the Private Tree By-law; however, 12 Knevitt Place is larger and subject to the By-law. As a result, conditions have been recommended regarding tree preservation for 12 Knevitt Place. She indicated that boundary trees are a civil matter between property owners which require consent from both property owners before damaging or destroying.

Mr. J. Buisman replied that the boundary trees will be respected as indicated and there are no plans for the other trees at this time.

In response to a suggestion from member S. Dykstra, Planner L. Sulatycki responded that she did not feel it would be appropriate that the tree conditions be applied to the 11 Knevitt Place application as the property is not subject to the Private Tree By-law.

Mr. J. Krikorian, resident of 8 Knevitt Place, expressed concerns about the interpretation of the definition of compatibility, the hardship requiring the minor variances, and the number of lots proposed.

Mr. R. McLaughlin questioned why the proposed servicing plan shows the full urbanization of Knevitt Place and how surface water will be handled. Engineering Technologist S. Daniel responded the sidewalk and curbs will not be installed in front of the subject properties at this point; however, the applicants are required to pay for all costs associated with the sidewalk and curb along their frontages. He indicated the current plan is to extend the sanitary sewer up to the property line of 12 Knevitt Place. Mr. K. Brousseau replied that the increased surface runoff that would be generated by the additional rooftops would be infiltrated in the rear yards and that there would be less water directed to the street.

Mr. G. Roberts, resident of 17 Kendrick Avenue, expressed concerns about the need and number of lots proposed, the lack of information provided by the applicants to the neighbourhood and the potential effect on the solar panel at 7 Knevitt Place. He indicated he believed there was no need for these developments at this time and expressed concern for protection of the existing neighbourhood.

In response to questions from member D. Kendrick, Planner L. Sulatycki responded that information about the specific lot sizes of the neighbouring properties was not immediately available. Mr. J. Buisman showed a copy of the zoning map to show the lots in the area.

Mr. J. Hennesey, resident of 23 Kendrick Avenue, questioned where the municipal services were proposed. A copy of the servicing drawing was shown and Engineering Technologist S. Daniel outlined where the sanitary sewer is proposed. He confirmed that the design shows the curbs and sidewalks; however, they will not be constructed at this time. Vice Chair K. Ash suggested that any detailed engineering questions that are property specific could be answered by staff outside of the hearing.

Mr. G. Scullion, resident of 17 Knevitt Place, indicated that the servicing plan shows the size of the lots in the area and expressed concern about the minor variances being heard at another hearing. He indicated that he felt that three proposed lots at 12 Knevitt Place was inappropriate.

Mr. J. Buisman showed a copy of the assessment mapping with lot sizes. He indicated that some of the surrounding properties are larger because they contain septic systems which require larger lot sizes. He indicated that the serviced lots in the area are similar in size to the proposed severed lots.

Member S. Dykstra recommended that the conditions regarding the trees that were recommended with files B-18/18 and B-19/18 also be imposed with the approval of file B-17/18 as 11 Knevitt Place also contains mature trees and an arborist report is already required for 12 Knevitt Place.

#### Application B-18/18

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

Moved by D. Kendrick  
Seconded by S. Dykstra

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 47, Registered Plan 475, currently known as 12 Knevitt Place, a parcel with frontage along Knevitt Place of 13.9 metres, and an area of 919 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc., dated October 17, 2017, project number 24430-17, be **APPROVED**, subject to the following conditions:

1. That prior to the issuance of the Certificate of Official, the applicant shall apply for and obtain approval of required variances for the retained parcel and severed parcels.
2. That a plan shall be submitted to, and approved by the General Manager of Planning, Urban Design, and Building Services, prior to the issuance of a building permit for the new dwellings on the "severed" and "retained" parcels indicating the location and design of the new dwellings.
3. That prior to the issuance of a building permit, elevation and design drawings for the new dwellings on the "severed" and "retained" parcels shall be submitted to, and approved by the General Manager of Planning, Urban Design, and Building Services.
4. That prior to the issuance of the Certificate of Official, the existing house shall be demolished.
5. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy regulated trees, the applicant submit a Tree Preservation Plan (TIPP) prepared by an arborist and in accordance with the Private Tree Protection By-law (2010-19058) for approval and to the

satisfaction of the General Manager of Planning, Urban Design and Building Services.

6. That prior to the issuance of the Certificate of Official and prior to undertaking activities which may injure or destroy City owned trees, and where it is determined through the preparation of the TIPP that removal or harm of a City owned tree is required; a certified Arborist must provide a written analysis of the reasons for the City tree's removal to the satisfaction of the Manager of Parks Operations and Forestry.
7. That prior to undertaking activities which may injure or destroy regulated trees the applicant erect tree protection fencing at one (1) metre from the dripline of any existing trees to be retained on the property, or on adjacent properties, which may be impacted in accordance with the approved TIPP and to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
8. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy regulated trees, the applicant submit a Landscaping, Compensation and Replacement Plan (LCRP) in accordance with the Private Tree Protection By-law (2010-19058) for approval to the satisfaction of the General Manager of Planning, Urban Design and Building Services, and the LCRP must be implemented.
9. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy trees, the applicant will provide securities covering a portion of the cost of the approved Landscaping, Compensation and Replacement Plan (LCRP) based on a cost estimate provided by a qualified professional and to the satisfaction of the General Manager of Planning, Urban Design and Building Services. Securities will be held until implementation of the LCRP.
10. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy regulated trees, and where replacement plantings are not achievable on the subject lands, the owner will provide cash in lieu payment in accordance with the Private Tree Protection By-law (2010-19058), to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
11. That the undertaking of activities which may injure or destroy regulated trees occur outside of the breeding bird season (approximately April 1 to July 31) or include appropriate mitigation measures.
12. Prior to issuance of the Certificate of Official, the owner(s) agrees to enter into a development agreement, which would include but not be limited to such things as servicing condition, groundwater condition, construction conditions.
13. Prior to issuance of the Certificate of Official, the owner(s) agrees to satisfy all the engineering requirements and ensures that the proposed design is in accordance with recognized best management practices, Provincial Guidelines, and the City's engineering guidelines to the satisfaction of the General Manager/City Engineer.

14. Prior to issuance of the Certificate of Official, the owner(s) agrees to provide and obtains approval from the City's Engineering Department to the satisfaction General Manager / City Engineer on the following documents:
  - i. Stormwater management report
  - ii. Ground water measurements and capture the seasonal high.
  - iii. Geotechnical Report
  - iv. Grading/Servicing Plan
  - v. Erosion & Sediment Control Plan
  - vi. Pre-Development Plan
  - vii. Post-Development plan
  - viii. Plan and Profiles and design sheets.
  - ix. A cost estimate for the work within the City right-of-way is to be prepared by the consulting engineer using the City's cost estimate Excel spreadsheet.
15. Prior to the issuance of the Certificate of Official, the owner(s) agrees to provide any additional documents, reports, plans, required by the City's Engineering Department to support the proposed development.
16. That the owner(s) constructs the new dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary.
17. Prior to the issuance of the Certificate of Official, the owner(s) shall pay the initial estimated cost for all construction works within the City's right of way as approved in the cost estimate.
18. That the owner(s) pay the actual cost of all construction works within the City's right of way.
19. Prior to the issuance of the Certificate of Official, the owner(s) shall pay for future improvements i.e. sidewalk works as determined by the General Manager/City Engineer.
20. Prior to issuance of the Certificate of Official, the Owners agree to pay 5% of the estimated cost of the works as a review fee of the overall design.
21. Prior to the issuance of the Certificate of Official, the owner(s) shall obtain an Environmental Compliance Approval (ECA) from the Ministry of Environment, Conservation and Parks (MECP).
22. Prior to the issuance of a building permit, the owner shall satisfy the City's Chief Plumbing/Sewage System Inspector, that the septic tank and tile bed are removed in accordance with all appropriate regulations.
23. 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.
24. Prior to issuance of building permit, the owner/developer provides a stormwater management brief for the severed and the retained parcel.

25. Prior to issuance of building permit, the owner/developer provides a lot grading plan for the severed and retain lands.
26. That the owner(s) makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of a building permits.
27. That the owner(s) shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of hydro service to the said lands, prior to the issuance of a building permit.
28. The owner(s) shall ensure that all telephone service and cable TV service is available to the lands. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of utility services, prior to the issuance of a building permit.
29. The Owner shall be responsible for the payment of cash-in-lieu of parkland dedication to the satisfaction of the Deputy CAO of Public Services pursuant to s. 51.1 and s. 53(13) of the *Planning Act* prior to the issuance of the Certificate of Official.
30. Prior to the issuance of the Certificate of Official, the Owner shall provide to the Deputy CAO of Public Services a satisfactory short narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the payment of cash-in-lieu of parkland dedication pursuant to s.51.1 and s.53(13) of the Planning Act. The short narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services. Notwithstanding the foregoing, if the short narrative appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services, acting reasonably, the City reserves the right to obtain an independent short narrative appraisal for the purposes of calculating the payment of cash-in-lieu of parkland dedication.
31. That prior to issuance of a building permit, the applicant makes arrangements for the servicing of the newly created lots via underground secondary distributions system, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
32. That prior to the issuance of the Certificate of Official, the Owner/Developer shall enter into an agreement with the City, to be registered on title, satisfactory to the City Solicitor which includes the above conditions.
33. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
34. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.

35. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).
36. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

REASONS:

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

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

CARRIED

Application B-19/18

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

Moved by D. Kendrick  
Seconded by S. Dykstra

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 47, Registered Plan 475, currently known as 12 Knevitt Place, a parcel with frontage along Knevitt Place of 13.9 metres, and an area of 827 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc., dated October 17, 2017, project number 24430-17, be **APPROVED**, subject to the following conditions:

1. That prior to the issuance of the Certificate of Official, the applicant shall apply for and obtain approval of required variances for the retained parcel and severed parcels.
2. That a plan shall be submitted to, and approved by the General Manager of Planning, Urban Design, and Building Services, prior to the issuance of a

building permit for the new dwellings on the "severed" and "retained" parcels indicating the location and design of the new dwellings.

3. That prior to the issuance of a building permit, elevation and design drawings for the new dwellings on the "severed" and "retained" parcels shall be submitted to, and approved by the General Manager of Planning, Urban Design, and Building Services.
4. That prior to the issuance of the Certificate of Official, the existing house shall be demolished.
5. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy regulated trees, the applicant submit a Tree Preservation Plan (TIPP) prepared by an arborist and in accordance with the Private Tree Protection By-law (2010-19058) for approval and to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
6. That prior to the issuance of the Certificate of Official and prior to undertaking activities which may injure or destroy City owned trees, and where it is determined through the preparation of the TIPP that removal or harm of a City owned tree is required; a certified Arborist must provide a written analysis of the reasons for the City tree's removal to the satisfaction of the Manager of Parks Operations and Forestry.
7. That prior to undertaking activities which may injure or destroy regulated trees the applicant erect tree protection fencing at one (1) metre from the dripline of any existing trees to be retained on the property, or on adjacent properties, which may be impacted in accordance with the approved TIPP and to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
8. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy regulated trees, the applicant submit a Landscaping, Compensation and Replacement Plan (LCRP) in accordance with the Private Tree Protection By-law (2010-19058) for approval to the satisfaction of the General Manager of Planning, Urban Design and Building Services, and the LCRP must be implemented.
9. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy trees, the applicant will provide securities covering a portion of the cost of the approved Landscaping, Compensation and Replacement Plan (LCRP) based on a cost estimate provided by a qualified professional and to the satisfaction of the General Manager of Planning, Urban Design and Building Services. Securities will be held until implementation of the LCRP.
10. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy regulated trees, and where replacement plantings are not achievable on the subject lands, the owner will provide cash in lieu payment in accordance with the Private Tree Protection By-law (2010-19058), to the satisfaction of the General Manager of Planning, Urban Design and Building Services.

11. That the undertaking of activities which may injure or destroy regulated trees occur outside of the breeding bird season (approximately April 1 to July 31) or include appropriate mitigation measures.
12. Prior to issuance of the Certificate of Official, the owner(s) agrees to enter into a development agreement, which would include but not be limited to such things as servicing condition, groundwater condition, construction conditions.
13. Prior to issuance of the Certificate of Official, the owner(s) agrees to satisfy all the engineering requirements and ensures that the proposed design is in accordance with recognized best management practices, Provincial Guidelines, and the City's engineering guidelines to the satisfaction of the General Manager/City Engineer.
14. Prior to issuance of the Certificate of Official, the owner(s) agrees to provide and obtains approval from the City's Engineering Department to the satisfaction General Manager / City Engineer on the following documents:
  - i. Stormwater management report
  - ii. Ground water measurements and capture the seasonal high.
  - iii. Geotechnical Report
  - iv. Grading/Servicing Plan
  - v. Erosion & Sediment Control Plan
  - vi. Pre-Development Plan
  - vii. Post-Development plan
  - viii. Plan and Profiles and design sheets.
  - ix. A cost estimate for the work within the City right-of-way is to be prepared by the consulting engineer using the City's cost estimate Excel spreadsheet.
15. Prior to the issuance of the Certificate of Official, the owner(s) agrees to provide any additional documents, reports, plans, required by the City's Engineering Department to support the proposed development.
16. That the owner(s) constructs the new dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary.
17. Prior to the issuance of the Certificate of Official, the owner(s) shall pay the initial estimated cost for all construction works within the City's right of way as approved in the cost estimate.
18. That the owner(s) pay the actual cost of all construction works within the City's right of way.
19. Prior to the issuance of the Certificate of Official, the owner(s) shall pay for future improvements i.e. sidewalk works as determined by the General Manager/City Engineer.
20. Prior to issuance of the Certificate of Official, the Owners agree to pay 5% of the estimated cost of the works as a review fee of the overall design.



21. Prior to the issuance of the Certificate of Official, the owner(s) shall obtain an Environmental Compliance Approval (ECA) from the Ministry of Environment, Conservation and Parks (MECP).
22. Prior to the issuance of a building permit, the owner shall satisfy the City's Chief Plumbing/Sewage System Inspector, that the septic tank and tile bed are removed in accordance with all appropriate regulations.
23. 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.
24. Prior to issuance of building permit, the owner/developer provides a stormwater management brief for the severed and the retained parcel.
25. Prior to issuance of building permit, the owner/developer provides a lot grading plan for the severed and retain lands.
26. That the owner(s) makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of a building permits.
27. That the owner(s) shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of hydro service to the said lands, prior to the issuance of a building permit.
28. The owner(s) shall ensure that all telephone service and cable TV service is available to the lands. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of utility services, prior to the issuance of a building permit.
29. The Owner shall be responsible for the payment of cash-in-lieu of parkland dedication to the satisfaction of the Deputy CAO of Public Services pursuant to s. 51.1 and s. 53(13) of the *Planning Act* prior to the issuance of the Certificate of Official.
30. Prior to the issuance of the Certificate of Official, the Owner shall provide to the Deputy CAO of Public Services a satisfactory short narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the payment of cash-in-lieu of parkland dedication pursuant to s.51.1 and s.53(13) of the Planning Act. The short narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services. Notwithstanding the foregoing, if the short narrative appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services, acting reasonably, the City reserves the right to obtain an independent short narrative appraisal for the purposes of calculating the payment of cash-in-lieu of parkland dedication.
31. That prior to issuance of a building permit, the applicant makes arrangements for the servicing of the newly created lots via underground secondary

distributions system, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.

32. That prior to the issuance of the Certificate of Official, the Owner/Developer shall enter into an agreement with the City, to be registered on title, satisfactory to the City Solicitor which includes the above conditions.
33. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
34. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
35. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).
36. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

REASONS:

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

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

CARRIED

Application B-17/18

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

Moved by S. Dykstra  
Seconded by D. Gundrum

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 25, Registered Plan 475, currently known as 11 Knevitt Place, a parcel with frontage along Knevitt Place of 23.3 metres, and an area of 744 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated August 8, 2017, project number 23449-16, be **APPROVED**, subject to the following conditions:

1. That a plan shall be submitted to, and approved by the General Manager of Planning, Urban Design, and Building Services, prior to the issuance of a building permit for the new dwellings on the "severed" and "retained" parcels indicating the location and design of the new dwellings.
2. That prior to the issuance of a building permit, elevation and design drawings for the new dwellings on the "severed" and "retained" parcels shall be submitted to, and approved by the General Manager of Planning, Urban Design, and Building Services.
3. That prior to the issuance of the Certificate of Official, the existing house shall be demolished.
4. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy regulated trees, the applicant submit a Tree Preservation Plan (TIPP) prepared by an arborist and in accordance with the Private Tree Protection By-law (2010-19058) for approval and to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
5. That prior to the issuance of the Certificate of Official and prior to undertaking activities which may injure or destroy City owned trees, and where it is determined through the preparation of the TIPP that removal or harm of a City owned tree is required; a certified Arborist must provide a written analysis of the reasons for the City tree's removal to the satisfaction of the Manager of Parks Operations and Forestry.
6. That prior to undertaking activities which may injure or destroy regulated trees the applicant erect tree protection fencing at one (1) metre from the dripline of any existing trees to be retained on the property, or on adjacent properties, which may be impacted in accordance with the approved TIPP and to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
7. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy regulated trees, the applicant submit a Landscaping, Compensation and Replacement Plan (LCRP) in accordance with the Private Tree Protection By-law (2010-19058) for approval to the satisfaction of the General Manager of Planning, Urban Design and Building Services, and the LCRP must be implemented.
8. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy trees, the applicant will provide securities covering

a portion of the cost of the approved Landscaping, Compensation and Replacement Plan (LCRP) based on a cost estimate provided by a qualified professional and to the satisfaction of the General Manager of Planning, Urban Design and Building Services. Securities will be held until implementation of the LCRP.

9. That prior to the issuance of building permits and prior to undertaking activities which may injure or destroy regulated trees, and where replacement plantings are not achievable on the subject lands, the owner will provide cash in lieu payment in accordance with the Private Tree Protection By-law (2010-19058), to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
10. That the undertaking of activities which may injure or destroy regulated trees occur outside of the breeding bird season (approximately April 1 to July 31) or include appropriate mitigation measures.
11. Prior to issuance of the Certificate of Official, the owner(s) agrees to enter into a development agreement, which would include but not be limited to such things as servicing condition, groundwater condition, construction conditions.
12. Prior to issuance of the Certificate of Official, the owner(s) agrees to satisfy all the engineering requirements and ensures that the proposed design is in accordance with recognized best management practices, Provincial Guidelines, and the City's engineering guidelines to the satisfaction of the General Manager/City Engineer.
13. Prior to issuance of the Certificate of Official, the owner(s) agrees to provide and obtains approval from the City's Engineering Department to the satisfaction General Manager/ City Engineer on the following documents:
  - x. Stormwater management report
  - xi. Ground water measurements and capture the seasonal high.
  - xii. Geotechnical Report
  - xiii. Grading/Servicing Plan
  - xiv. Erosion & Sediment Control Plan
  - xv. Pre-Development Plan
  - xvi. Post-Development plan
  - xvii. Plan and Profiles and design sheets.
  - xviii. A cost estimate for the work within the City right-of-way is to be prepared by the consulting engineer using the City's cost estimate Excel spreadsheet.
14. Prior to the issuance of the Certificate of Official, the owner(s) agrees to provide any additional documents, reports, plans, required by the City's Engineering Department to support the proposed development.
15. That the owner(s) constructs the new dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary.
16. Prior to the issuance of the Certificate of Official, the owner(s) shall pay the initial estimated cost for all construction works within the City's right of way as approved in the cost estimate.

17. That the owner(s) pay the actual cost of all construction works within the City's right of way.
18. Prior to the issuance of the Certificate of Official, the owner(s) shall pay for future improvements i.e. sidewalk works as determined by the General Manager/City Engineer.
19. Prior to issuance of the Certificate of Official, the Owners agree to pay 5% of the estimated cost of the works as a review fee of the overall design.
20. Prior to the issuance of the Certificate of Official, the owner(s) shall obtain an Environmental Compliance Approval (ECA) from the Ministry of Environment, Conservation and Parks (MECP).
21. Prior to the issuance of a building permit, the owner shall satisfy the City's Chief Plumbing/Sewage System Inspector, that the septic tank and tile bed are removed in accordance with all appropriate regulations.
22. 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.
23. Prior to issuance of building permit, the owner/developer provides a stormwater management brief for the severed and the retained parcel.
24. Prior to issuance of building permit, the owner/developer provides a lot grading plan for the severed and retain lands.
25. That the owner(s) makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of a building permits.
26. That the owner(s) shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of hydro service to the said lands, prior to the issuance of a building permit.
27. The owner(s) shall ensure that all telephone service and cable TV service is available to the lands. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of utility services, prior to the issuance of a building permit.
28. The Owner shall be responsible for the payment of cash-in-lieu of parkland dedication to the satisfaction of the Deputy CAO of Public Services pursuant to s. 51.1 and s. 53(13) of the Planning Act prior to the issuance of the Certificate of Official.
29. Prior to the issuance of the Certificate of Official, the Owner shall provide to the Deputy CAO of Public Services a satisfactory short narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the payment of cash-in-lieu of parkland dedication pursuant to s.51.1 and s.53(13) of the Planning Act. The short narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of

the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services. Notwithstanding the foregoing, if the short narrative appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services, acting reasonably, the City reserves the right to obtain an independent short narrative appraisal for the purposes of calculating the payment of cash-in-lieu of parkland dedication.

30. That prior to issuance of a building permit, the applicant makes arrangements for the servicing of the newly created lots via underground secondary distributions system, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
31. That prior to the issuance of the Certificate of Official, the Owner/Developer shall enter into an agreement with the City, to be registered on title, satisfactory to the City Solicitor which includes the above conditions.
32. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
33. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
34. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).
35. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

REASONS:

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

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

CARRIED

**Application:** A-74/18  
**Owner:** Shannon Barber-MacMillan  
**Agent:** Jeremy Laur  
**Location:** 615 Willow Road  
**In Attendance:** Jeremy Laur

Vice Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. J. Laur, agent, responded that the sign was posted and comments were received.

Mr. J. Laur briefly explained the application.

In response to a question from member S. Dykstra, Planner A. Watts responded that the application meets the side yard requirements.

No members of the public spoke.

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

Moved by D. Gundrum  
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 4.15.1.4.1 of Zoning By-law (1995)-14864, as amended, for 615 Willow Road, to permit three (3) off-street parking spaces for the existing semi-detached dwelling and proposed accessory apartment in a stacked arrangement, when the By-law requires three off-street parking spaces for the existing dwelling and proposed accessory apartment with no more than two of the required parking spaces permitted in a stacked arrangement, be **APPROVED**.

REASONS:

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

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

CARRIED

**Application:**           **A-75/18**  
**Owner:**               **Michael Hall**  
**Agent:**               **Joel Bartlett, Joel Bartlett Architect Inc.**  
**Location:**           **181 King Street**  
**In Attendance:**      **Mary Hall**  
                              **Michael Hall**  
                              **Joel Bartlett**

Vice Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. M. Hall, solicitor for the owner, responded that the sign was posted and comments were received.

Ms. M. Hall briefly explained the application history. Manager of Infrastructure, Development and Environmental Engineering T. Gayman responded that any encroachments can be dealt with through a separate City process if necessary.

The Committee had no questions for the agent.

No members of the public spoke.

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     P. Ross  
Seconded by  L. Janis

THAT in the matter of an application under Section 45(2)(a)(i) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to enlarge/extend the legal non-conforming use at 181 King Street, to permit the construction of a 19.68 square metre addition, be **APPROVED**, subject to the following condition:

1. That the addition be located in general accordance with the Public Notice sketch.

**REASONS:**

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

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

CARRIED



Other Business

None.

Adjournment

Moved by                   D. Kendrick  
Seconded by               S. Dykstra

THAT the hearing of the Committee of Adjustment be adjourned at 5:57 p.m.

CARRIED

K. Ash  
Vice Chair

T. Di Lullo  
Secretary-Treasurer