



## **COMMITTEE OF ADJUSTMENT MINUTES**

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Thursday October 13, 2016 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

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

Staff Present: L. Sulatycki, Senior Planner  
R. DalBello, Planner  
B. Bond, Zoning Inspector  
D. McMahon, Acting Secretary-Treasurer  
G. Van den Berg, Council Committee Coordinator  
L. Cline, Council Committee Assistant

### Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

### Approval of Minutes

Moved by P. Ross  
Seconded by K. Ash

THAT the Minutes from the August 11, 2016 Regular Meeting of the Committee of Adjustment, be approved as amended and circulated.

CARRIED

Moved by M. Bosch  
Seconded by P. Ross

THAT the Minutes from the September 7, 2016 Regular Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Requests for Withdrawal or Deferral

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

Acting Secretary-Treasurer D. McMahon noted that the applicant had requested a deferral and would not be attending the hearing.

Moved by     D. Kendrick  
Seconded by L. Janis

THAT Application A-69/16 for 30 Forest Street, be **DEFERRED** sinedie, and in accordance with the Committee's policy on applications deferred sinedie, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.

REASONS:

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

CARRIED

**Application:**           **B-22/16**  
**Owner:**               **2298907 Ontario Inc.**  
**Agent:**               **Jacob Abbutt, BBE Construction**  
**Location:**           **320 Eastview Road**  
**In Attendance:**      **Brian Collier**  
                              **Jacob Abbutt**

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

Moved by     M. Bosch  
Seconded by D. Kendrick

THAT Application B-22/16 for 320 Eastview Road, be **DEFERRED** sinedie, and in accordance with the Committee's policy on applications deferred sinedie, that the application will be considered to be withdrawn if not dealt with within 12 months of

deferral and that the deferral application fee be paid prior to reconsideration of the application.

REASONS:

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

CARRIED

**Application: A-80/16**  
**Owner: 2298907 Ontario Inc.**  
**Agent: Jacob Abbutt, BBE Construction**  
**Location: 320 Eastview Road**  
**In Attendance: Brian Collier**  
**Jacob Abbutt**

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

Moved by M. Bosch  
Seconded by D. Kendrick

THAT Application A-80/16 for 320 Eastview Road, be **DEFERRED** sinedie, and in accordance with the Committee's policy on applications deferred sinedie, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.

REASONS:

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

CARRIED

**Application: A-72/16, A-73/16, A-74/16, A-75/16, A-76/16 and A-77/16**  
**Owner: Gamma Developments**  
**Agent: Patrick Clarke, Fusion Homes**  
**Location: 275 – 285 MacAlister Blvd**  
**In Attendance: N/A**

Acting Secretary-Treasurer D. McMahon noted that the applicant for files A-72/16, A-73/16, A-74/16, A-75/16, A-76/16 and A-77/16 had requested a full refund of the application fees and that staff would support a refund of 50% of the application fees.

Moved by M. Bosch  
Seconded by K. Ash

THAT 50% of the application fees being \$2295.00 for applications A-72/16, A-73/16, A-74/16, A-75/16, A-76/16 and A-77/16, 275 – 285 MacAlister Boulevard, be refunded to the applicant.

CARRIED

Current Applications

**Application: A-51/16**  
**Owner: Southwood Apartments Limited**  
**Agent: Dave Aston, MHBC Planning**  
**Location: 381 Edinburgh Road South**  
**In Attendance: Kelly Martel**

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

In response to a question from member S. Dykstra, Planner L. Sulatycki indicated that the building permit for the subject property was refused because the building was limited through zoning to a maximum of 78 units and required 99 parking spaces whereas the applicant was requesting 79 units with only 93 parking spaces.

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 Section 5.4.3.2.2.1 and 5.4.3.2.2.2.1 of Zoning By-law (1995)-14864, as amended, for 381 Edinburgh Road South, to permit:

- a) 79 dwelling units in the existing apartment building; and
- b) 1.17 parking spots per residential dwelling unit for a total of 93 spaces.

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-68/16**  
**Owner:**               **2398621 Ontario Inc.**  
**Agent:**                **N/A**  
**Location:**           **86 Norfolk Street**  
**In Attendance:**      **Jon Mills**

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. Mills, agent for the owner, replied that the sign was posted but that he had not received comments. Mr. Mills indicated that he did not have any further presentation.

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  S. Dykstra

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 6.5.3.16.1 of Zoning By-law (1995)-14864, as amended, for 86 Norfolk Street, to permit a commercial school as an additional permitted use on the property, 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-70/16**  
**Owner:**               **Jon Ableson**  
**Agent:**               **Grant Worton**  
**Location:**           **119 Norma Crescent**  
**In Attendance:**      **Grant Worton**  
                              **Sarah Ableson**

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Grant Worton, agent for the owner, and Sarah Ableson, spouse of the owner, replied that the sign was posted and comments were received. Mr. Worton and Ms. Ableson briefly outlined the nature 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     S. Dykstra  
Seconded by M. Bosch

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 119 Norma Crescent, to permit the accessory apartment to have an area of 90.7 square meters, being 29.9% of the total floor area, 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-71/16**  
**Owner:**               **Habitat for Humanity Wellington, Dufferin & Guelph**  
**Agent:**               **Jeffrey G. Born, James Fryett Architect Inc.**  
**Location:**           **11 Cityview Drive**  
**In Attendance:**      **Jeff Born**

**Carolyn Bilson**  
**Bill Lin**  
**Mike Hutchinson**

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Jeff Born, agent for the owner, and Carolyn Bilson, representative of the owner, replied that the sign was posted and comments were received. Ms. Bilson briefly outlined the application and explained why each variance was required on the property.

Member S. Dykstra indicated he would recommend adding .05 metres to the fence height to make it easier for the applicant to comply with the variance.

Acting Secretary-Treasurer D. McMahon noted there was an error on the public notice and that the Zoning By-law required that the distance between the face of one building and the face of another building, each of which contains habitable rooms, shall in no case be less than 15 metres.

In response to a question from member M. Bosch Ms. Bilson indicated that the issues raised in the attached correspondence would all be handled through the site plan process.

Mike Hutchinson and Bill Lin, area residents, indicated that a nearby neighbour wasn't available to receive the notice and couldn't attend the hearing so they had attempted to communicate some of his concerns at the hearing. Mr. Hutchinson and Mr. Lin indicated that they had concerns regarding the height of the fence on the south side of the property, loose rocks or boulders causing property damage, erosion on steep areas of the property and emergency response in case of a rail disaster. Mr. Hutchinson and Mr. Lin asked the Committee to defer the application, in part so the neighbour who was unavailable could come speak in person.

In response to a question from member M. Bosch, Ms. Bilson indicated that engineers would be reviewing the development, that the slope and existing trees and shrubbery are environmentally protected, that there will be no rock blasting, that footings will be above the bed rock and that storm water drainage would be improved when compared to the status quo.

In response to a question from member L. Janis, Acting Secretary-Treasurer D. McMahon indicated that public notices were sent out approximately 21 days in advance of the hearing to property owners within 60 metres of the subject site and that a sign was also posted to inform residents of the application.

In response to a question from member D. Kendrick, Planner L. Sulatycki indicated that this site could be developed with town houses without seeking any variances and that prior to site plan approval conditions would need to be met which would include erosion and sediment control facilities and ban blasting to remove bed rock.

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

Moved by M. Bosch  
Seconded by S. Dykstra

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 5.3.1.1, 4.20.9 and 5.3.2.3.1 of Zoning By-law (1995)-14864, as amended, for 11 Cityview Drive, to permit:

- a) multiple attached dwellings;
- b) a 1.85 metre high fence in the front yard; and
- c) the face of one building and the face of another building, each of which contains windows of habitable rooms, to be within 9.5 metres of each other,

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

1. That the 'H' symbol be lifted prior to the issuance of a building permit for the multiple attached dwellings.
2. The Owner agrees to submit and receive approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the General Manager of Planning and Building and the General Manager/City Engineer. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.
3. That prior to issuance of a building permit, the applicant make arrangements with the Engineering Department of Guelph Hydro Electric Systems Inc. to enter into a servicing agreement to service the lands via an underground distribution system. This will 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-63/16**  
**Owner: 2506653 Ontario Inc.**  
**Agent: Major Singh**  
**Location: 21 Halesmanor Court**



**In Attendance:**     **Major Singh**  
                          **Rajwinder Bains**  
                          **Don Hamilton**  
                          **John Crawford**  
                          **Enzo Tersigno**  
                          **Francesco Braga**  
                          **Maria Rita Marinetti-Braga**

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

In response to a question from member P. Ross, Mr. Singh indicated that any person could rent a room in the subject dwelling but that it is generally students who occupy the rooms.

In response to a question from member L. Janis, Planner L. Sulatycki indicated that the minimum separation distance between lodging houses is 100 metres.

In response to a question from member S. Dykstra, Planner L. Sulatycki indicated that staff believe the proposal is desirable for the appropriate development of the land because the lodging house is a permitted use and the addition of the proposed bedroom only generates 0.33 of a required parking space.

In response to a question from member P. Ross, Planner L. Sulatycki indicated that the four tests can be applied to the subject property as well as to abutting or adjacent properties.

Mr. Hamilton presented a power point presentation and discussed the existing neighbourhood, the type of families in the neighbourhood, parking limitations, validity of the submitted drawings, dimensions of the subject property and the consistency of the notice signs before asking the Committee to refuse the application.

Mr. Braga, area resident, indicated that the subject property had a basement apartment with a tenant who had a large pick-up which could not fit in the garage. He also raised concerns regarding parking for guests, judging desirability without surveying area residents, depreciation in home and tax values and disruption for the family based community.

Dr. Crawford indicated he agreed with previous presenters and noted that if parking increases significantly it will make it difficult for emergency response vehicles to access the street. He asked the Committee to refuse the application.

Mr. Singh, agent for the owner, discussed the Growth Plan for the Greater Golden Horseshoe and suggested that it supported modifications to existing building stock. Furthermore, Mr. Singh indicated that students, who would be the likely tenants on the subject property, tend to use bicycles and transit and may not require parking spaces.

In response to a question from member M. Bosch, Mr. Singh indicated that the landlord was present every week to address the concerns of neighbours and would share his contact information with neighbours to make communication easier.

Member P. Ross moved a motion to refuse the variance on the basis that the application was not desirable for the appropriate development of the land because of the impact of reduced parking. Furthermore, he indicated that although students may be less likely to

own a car the units could be rented to anyone and could therefore create parking and congestion problems on the street.

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 4.13.4.3 of Zoning By-law (1995)-14864, as amended, for 21 Halesmanor Court, to permit a 10 unit lodging house with four off-street parking spaces, be **REFUSED**.

REASONS:

The variance is refused as it is the opinion of the Committee that this variance does not meet all four tests under Section 45(1) of the Planning Act, specifically being that the variance is not desirable for the appropriate development of the land.

CARRIED

**Application:** A-57/16  
**Owner:** Julian Henry  
**Agent:** N/A  
**Location:** 17 Sultan Street  
**In Attendance:** Julian Henry

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. Henry, owner, replied that the sign was posted and comments were received. Mr. Henry briefly outlined his application using pictures and drawings of the subject property. Furthermore, he indicated that a 1.5 metre high fence existed where Canadian National Railway was requesting a 1.8 metre high fence and requested that the condition from Canadian National Railway be amended to refer to a 1.5 metre high fence.

In response to a question from member D. Kendrick, Acting Secretary-Treasurer D. McMahon indicated that he had not received any correspondence from Canadian National Railway that indicated they would alter their proposed condition.

In response to a question from member D. Kendrick, Planner R. Dalbello indicated that prior to a building permit being issued, or actions being undertaken which may injure trees, a Tree Preservation Plan would be required and that such a plan would not be required if no such actions were taken.

In response to a question from member S. Dykstra, Planner R. DalBello indicated that the recommended conditions were worded in such a way as to limit the variance to apply only to the existing garage and the footprint of the existing garage.

### **MAIN MOTION**

Moved by D. Dykstra  
Seconded by K. Ash

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 7.3, Row 4 and 5 and Section 7.3.5.2 of Zoning By-law (1995)-14864, as amended, to permit:

- a) a right side yard setback of 0.6 metres;
- b) a rear yard setback of 0.79 metres; and
- c) a building size of 311.64 square metres.

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

1. That the right side yard setback and rear yard setback variances only apply to the existing garage in its current location and its footprint shall not be expanded in any way.
2. That prior to the issuance of a building permit and prior to undertaking activities which may injure or destroy City trees, the applicant submit a Tree Inventory and Preservation Plan (TIPP) for approval to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
3. That the undertaking of activities which may injure or destroy trees occur outside of the breeding bird season (approximately April 1 to July 31) or include appropriate mitigation measures to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
4. That prior to issuance of a building permit, the applicant makes arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the possible relocation of the existing overhead hydro service. This would be at the applicant's expense.
5. That a 1.83 metre chain-link fence be built along the property line between 17 Sultan Street and the abutting property owned by the Canadian National Railway Company, to be installed and maintained by the owner of 17 Sultan Street, within one year of receiving the Committee's final decision and that temporary fencing be installed until the permanent fence is constructed.

### **AMENDMENT**

In response to a question from member M. Bosch, Acting Secretary-Treasurer D. McMahon indicated that an enquiry had been made to Canadian National Railway regarding altering the proposed condition regarding fence height and that no response was received. Furthermore, he indicated that it was within the scope of the Committee's approval authority to alter the condition if desired.

Moved by M. Bosch  
Seconded by D. Kendrick

That recommended condition number five be amended by replacing "1.83 metre" with "1.5 metre".

DEFEATED

## MAIN MOTION

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 K. Ash

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 7.3, Row 4 and 5 and Section 7.3.5.2 of Zoning By-law (1995)-14864, as amended, to permit:

- d) a right side yard setback of 0.6 metres;
- e) a rear yard setback of 0.79 metres; and
- f) a building size of 311.64 square metres.

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

1. That the right side yard setback and rear yard setback variances only apply to the existing garage in its current location and its footprint shall not be expanded in any way.
2. That prior to the issuance of a building permit and prior to undertaking activities which may injure or destroy City trees, the applicant submit a Tree Inventory and Preservation Plan (TIPP) for approval to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
3. That the undertaking of activities which may injure or destroy trees occur outside of the breeding bird season (approximately April 1 to July 31) or include appropriate mitigation measures to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
4. That prior to issuance of a building permit, the applicant makes arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the possible relocation of the existing overhead hydro service. This would be at the applicant's expense.
5. That a 1.83 metre chain-link fence be built along the property line between 17 Sultan Street and the abutting property owned by the Canadian National Railway Company, to be installed and maintained by the owner of 17 Sultan Street, within one year of receiving the Committee's final decision and that temporary fencing be installed until the permanent fence is constructed.

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

Mr. Henry requested a refund of the deferral fee for file A-57/16, 17 Sultan Street.

Moved by D. Kendrick  
Seconded by M. Bosch

THAT the application fee for file A-57/16, 17 Sultan Street, not be refunded to the applicant.

CARRIED

**Application: A-78/16**  
**Owner: Thomas & Lois Funk**  
**Agent: John Valeriote, SmithValeriote Law Firm LLP**  
**Location: 87 Mary Street**  
**In Attendance: John Valeriote**

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. John Valeriote, agent for the owner, replied that the sign was posted and comments were received. Mr. Valeriote indicated that he was in agreement with all of the staff recommended conditions.

In response to a question from member L. Janis, Mr. Valeriote indicated that the owners of the subject properties were a married couple and that they occupied both houses.

Member S. Dykstra indicated he would support changing the language of the decision for 3 Forest Street and 87 Mary Street to indicate a 'side yard of 0 metres for the yard shared with [3 Forest Street or 87 Mary Street]'.

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. Dysktra  
Seconded by M. Bosch

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2, Row 7 of Zoning By-law (1995)-14864, as amended, for 87 Mary Street, to permit, a side yard of 0 metres for the yard shared with 3 Forest Street, be **APPROVED**, subject to the following conditions:

1. That the variances shall apply to only the existing link structure and it shall not be expanded or enlarged in any way.
2. That the Owner(s) enter into a Site Plan Agreement (or amend the existing Agreement) and it be registered on title for each property within 90 days of Committee's final decision. The Site Plan Agreement shall state that the properties affected by these applications shall remain in separate titles and that the link shall be removed if there is any change in title for either property.

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-79/16**  
**Owner: Jane Funk**  
**Agent: John Valeriote, SmithValeriote Law Firm LLP**  
**Location: 3 Forest Street**  
**In Attendance: John Valeriote**

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. John Valeriote, agent for the owner, replied that the sign was posted and comments were received. Mr. Valeriote indicated that he was in agreement with all of the staff recommended conditions.

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 S. Dykstra

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2, Row 7 of Zoning By-law (1995)-14864, as amended, for 3 Forest Street, to permit a side yard of 0 metres for the yard shared with 87 Mary Street, be **APPROVED**, subject to the following conditions:

1. That the variances shall apply to only the existing link structure and it shall not be expanded or enlarged in any way.
2. That the Owner(s) enter into a Site Plan Agreement (or amend the existing Agreement) and it be registered on title for each property within 90 days of Committee's final decision. The Site Plan Agreement shall state that the properties affected by these applications shall remain in separate titles and that the link shall be removed if there is any change in title for either property.

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

Other Business

Acting Secretary-Treasurer D. McMahon noted that in order to more efficiently conduct the work of the Secretary-Treasurer it was necessary to appoint Lindsay Cline as Deputy Secretary-Treasurer with all of the authority and powers of the Secretary-Treasurer.

Moved by D. Kendrick  
Seconded by P. Ross

That Lindsay Cline be appointed as Deputy Secretary-Treasurer pursuant to S. 44(8) of the Planning Act, R.S.O. 1990, c. P.13.

CARRIED

Acting Secretary-Treasurer D. McMahon noted that the Ontario Municipal Board appeal for file A-68/15 (282 Victoria Road North and 475 – 485 Speedvale Avenue East) was withdrawn.

Adjournment

Moved by D. Kendrick  
Seconded by S. Dykstra

THAT the hearing of the Committee of Adjustment be adjourned at 6:06 p.m.

CARRIED

B. Birdsell  
Chair

D. McMahon  
Acting Secretary-Treasurer