



COMMITTEE OF ADJUSTMENT MINUTES

The Committee of Adjustment for the City of Guelph held its Regular Hearing on Thursday October 25, 2018 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

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

Staff Present: D. Black, Council Committee Coordinator
B. Bond, Zoning Inspector
S. Daniel, Engineering Technologist
T. Di Lullo, Secretary-Treasurer
L. Sulatycki, Planner
A. Watts, Planner
M. Witmer, Planner

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by D. Kendrick
Seconded by K. Ash

THAT the Minutes from the October 11, 2018 Regular Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Requests for Withdrawal or Deferral

Application: A-78/18
Owner: 966129 Ontario Inc.
Agent: N/A

Location: 55 Dublin Street South

In Attendance: None

Secretary-Treasurer T. Di Lullo noted that the owner has agreed to the deferral recommendation and would not be in attendance.

Moved by P. Ross
Seconded by D. Gundrum

THAT Application A-78/18 for 55 Dublin Street South, be **DEFERRED** sine die, and in accordance with the Committee's policy on an application deferred sine die, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral fee be paid prior to reconsideration of the application.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:

The application is deferred to allow the applicant time to revise the application and apply for the additional variance.

CARRIED

Current Applications

Application: A-80/18, A-81/18 and A-82/18
Owner: Parry Schnick and Catriona Forbes
Agent: Jeff Buisman, Van Harten Surveying Inc.
Location: 12 Knevitt Place
In Attendance: Jeff Buisman
Kevin Motton
Parry Schnick
Ava Forbes-Schnick
Clive Ord

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

Mr. J. Buisman explained the application and showed a site plan drawing of the three proposed lots as well as a drawing showing the lot frontages in the area.

In response to a question from member D. Gundrum, Mr. J. Buisman replied that the proposed lots meet the interior side yard setback requirements.

In response to concerns from member P. Ross about the proposed lot frontages, Mr. J. Buisman acknowledged that the lots are pie-shaped and the dwellings will be set back where there is a greater lot width.

In response to a question from member S. Dykstra, Mr. J. Buisman responded that the applicant was agreeable to a condition requiring specific front and interior side yard setbacks.

Secretary-Treasurer T. Di Lullo noted that additional correspondence was received from K. Chamberlain, resident of 8 Knevitt Place. A copy of the correspondence was provided to the Committee members.

Mr. C. Ord, resident of 7 Knevitt Place, expressed concerns about compatibility of the lots to the existing neighbourhood.

Applications A-80/18, A-81/18, and A-82/18

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. Kendrick

THAT in the matter of applications 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 4 of Zoning By-law (1995)-14864, as amended, for 12 Knevitt Place, to permit a minimum lot frontage of 13.9 metres for the two proposed severed lots and one proposed retained lot, when the By-law requires a minimum lot frontage of 15 metres, be **APPROVED**, subject to the following conditions:

1. That Consent Applications B-18/18 and B-19/18 receive final certification of the Secretary-Treasurer and be registered on title.
2. That the proposed dwellings have a minimum front yard setback of 11.2 metres and a minimum interior side yard setback of 1.8 metres.

REASONS:

These applications are approved, as it is the opinion of the Committee that, with the above noted conditions of approval, these applications meet all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to these applications that were made to the Committee of Adjustment before its decision and any and all oral submissions related to these applications 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-67/18**
Owner: **Kris Inwood**
Agent: **N/A**
Location: **43 Richardson Street**
In Attendance: **Kris Inwood**
 Elizabeth Ewan

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

Mr. K. Inwood explained the application.

In response to a question from member K. Ash, Zoning Inspector B. Bond responded that a building permit is required for the structure that holds the vehicle.

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 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, variances from the requirements of Sections 4.13.2.1, 4.13.3.2.2, 4.13.3.2.4, 4.13.7.2.7, and 4.6.2.2 of Zoning By-law (1995)-14864, as amended, for 43 Richardson Street,

- a) to permit the required parking space to be within 0.4 metres of a lot line and partially in front of the front wall of the dwelling, when the By-law requires that in a R.1 Zone, every required parking space shall be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building;
- b) to permit an exterior parking space dimension of 2.4 metres by 5.5 metres, when the By-law requires that that the minimum exterior parking space dimensions are 2.5 metres by 5.5 metres;
- c) to permit a 2.7 metre wide access to a street, when the By-law requires that every driveway associated with a parking space shall have a minimum width for access to a street of 3 metres;
- d) to permit a residential driveway width of 2.7 metres, when the By-law requires that every residential driveway associated with a parking space shall have a

minimum width of 3 metres (this driveway width may be reduced to 2.5 metres at the point of entry of a garage entrance or fence opening); and

- e) to permit a fence/guard/structure within a sight line triangle, when the By-law requires that within any part of a sight line triangle at vehicular access area no building, structure, play equipment, statue, swimming pool/hot tub or parked motor vehicle shall be located,

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

1. That the owner agrees to construct the fence/guard/structure within the sightline triangle with such materials that will not encumber the sightlines.
2. Prior to the issuance of a building permit, the owner pays the actual cost of curb cuts or curb fills including the reconstruction of the pedestrian sidewalk across the driveway entrance if required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid.
3. Prior to the issuance of a building permit, the applicant demonstrate that the structure is designed to be parked on, to the satisfaction of the Chief Building Official or designate.

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-76/18**
Owner: **CP REIT Ontario Properties Limited**
Agent: **Phil Giroux, BG Fuels and Sarah Code, GSP Group Inc.**
Location: **32 Clair Road East**
In Attendance: **Sarah Code**
 Phil Giroux

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. P. Giroux, agent, responded that the sign was posted and comments were received.

Mr. P. Giroux, gave a Powerpoint presentation to the Committee which outlined the application.

Member S. Dykstra commented that he appreciated that no parking was provided in the front yard and that significant plantings were proposed. He suggested that two conditions be added to ensure that no parking is provided in the front yard and to ensure that significant plantings are incorporated into the landscaping. Mr. P. Giroux indicated that he had no concerns with these additional proposed conditions.

No members of the public spoke.

Member K. Ash also recommended that a further condition be added to ensure the front and side yards are in conformity with the drawing 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 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, variances from the requirements of Section 4.13.4.2, Table 6.2.2 Row 6, and Section 6.2.3.2.17.2.4 of Zoning By-law (1995)-14864, as amended, for 32 Clair Road East,

- a) to permit a minimum of 10 waiting spaces per bay for the proposed automatic car wash, when the By-law requires a minimum of 15 waiting spaces per bay for an automatic car wash;
- b) to permit a minimum left side yard setback of 1 metre, when the By-law requires a minimum side yard setback of one-half the building height but not less than 3 metres; and
- c) to permit a maximum front yard setback or "build to line" from the street line of 10.5 metres, when the By-law requires a maximum front yard setback or "build to line" from the street line of 3 metres,

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

1. That no parking be provided in the front yard.
2. That significant plantings be incorporated into the landscaping.
3. That the minimum side yard setback and maximum front yard setback be 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 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-77/18
Owner: 1266304 Ontario Inc.
Agent: Patrick Clarke, Fusion Homes
Location: 87 Zaduk Place
In Attendance: Patrick Clarke

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

Mr. P. Clarke outlined 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 D. Kendrick
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 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 87 Zaduk Place, to permit the required parking space to be 0.8 metres from the street line and to the front of the front wall of the dwelling, when the By-law requires that in a R.1 zone, every required parking space shall be located a minimum of 6 metres from the street line and to the rear of the front wall of the main building, be **APPROVED**, subject to the following conditions:

1. That the temporary sales office at 87 Zaduk Place be restored to a garage and the legal parking space restored prior to the transfer of lease/title to a subsequent owner(s) or within 3 years of Committee's final decision, whichever occurs first.
2. That the owner amends the existing agreement registered February 17, 2016 as Instrument No. WC461040 to extend the time period for a further 3 years, with the amending agreement being registered on title of the property, requiring that the sales office be removed within the garage and the garage restored to accommodate a 3 metres by 6 metres parking space for the dwelling, prior to the transfer of title to a subsequent owner.

REASONS:

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

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

CARRIED

Application: B-4/18, B-5/18, B-20/18, A-23/18 and A-24/18

Owner: St. Joseph's Health Centre Foundation Guelph & Peter Cuttini

Agent: Cindy Prince, Amico Properties Inc.

Location: 120 Westmount Road and Part of Lots 17 and 18, Registered Plan 98, Part 3 of 61R-11338

In Attendance:

Cindy Prince	Linda Hall
Zach Woloschuk	Sharmilla Rasheed
Lisa Sharp	Linda Hathorn
Linda Fazekas	Jeff Stillman
Gord Piluk	Maria Case
Russ Hall	

Secretary-Treasurer T. Di Lullo noted that additional correspondence had been received from G. Piluk, resident of 30 Kimberley Drive. A copy of the correspondence was provided to the Committee members.

Secretary-Treasurer T. Di Lullo also noted that a single condition was recommended for files A-23/18 and A-24/18 to ensure that the variance approvals are only in effect when the conditions of the related consent applications have been fulfilled. A copy of the condition wording was read and was provided to the Committee members.

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Ms. C. Prince, agent, responded that the sign was posted and comments were received.

Ms. C. Prince outlined the development project and the nature of the applications. She indicated that she was in support of the proposed conditions and staff comments.

In response to questions from member K. Ash, Ms. C. Prince confirmed that the proposal is for semi-detached dwellings. Planner M. Witmer indicated that because the proposed built form is a form of retirement residential, Zoning staff have considered it part of a permitted use. He indicated that the site specific zoning was tailored to a previous proposal for three apartment buildings with a specific density, and that development never materialized. He indicated that when evaluating the proposal, Planning staff felt it was unreasonable to apply the previous zoning provisions to the proposed built form.

Member K. Ash stated she was still concerned how semi-detached dwellings were considered as a permitted use in this zone.

In response to questions from member S. Dykstra, Planner M. Witmer responded that the properties are designated Major Institutional in the Official Plan and the proposal will help meet growth plan targets.

Ms. C. Prince added that the owner is investigating the possibility of constructing an affordable housing apartment building on the St. Joseph's site in another more appropriate location, which will provide greater density.

In response to a question from member L. Janis, Ms. C. Prince replied that the plans have reworked so that at least half of the existing berm can be retained.

In response to a question from member D. Gundrum, Ms. C. Prince indicated that the first 28 semi-detached dwellings will be market rent units. Planner M. Witmer added that Planning staff felt the variances were desirable as this type of retirement residential housing will add to the variety of housing available on the site.

Ms. L. Hathorn, resident of 26 Kimberley Drive, indicated she supported the applications and appreciated that a portion of the berm and tree canopy will be retained. She indicated she had concerns about the future apartment building.

Ms. L. Sharp, resident of 22 Kimberley Drive, stated she supported the applications and believed it was a good fit for the existing neighbourhood.

Mr. J. Stillman, resident of 16 Kimberley Drive, said the developer has worked to address the concerns of the neighbours and stated he supported the applications.

Ms. M. Case, resident of 22 Highview Place, questioned the project ownership and developer of the property and if the buildings will be environmentally efficient. Ms. C. Prince responded that Mr. Peter Cuttini, former chairman of the board, owns the adjacent property in order to keep the properties in separate ownership. She indicated that St. Joseph's Housing Corporation will own and operate the development. She indicated the project will be adhering to the City's green building policies.

Mr. R. Hall, resident of 132 Westmount Road, indicated he resided immediately adjacent to the development and stated the development will fit well with the neighbourhood.

Applications B-4/18 and B-20/18

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 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 Lots 17 and 18, Registered Plan 98, Part 3 of Plan 61R-11338, a parcel with a width of 115.8 metres, a depth of 16.5 metres, and an area of 1,911 metres, as a lot addition to the abutting property known as 120 Westmount Road (Part of Lots 17 and 18, Registered Plan 98, Parts 1 and 2 of Plan 61R-11338), substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated February 8, 2018 and updated on September 10, 2018, project number 25557-18,

AND

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent to create a 205 square metre easement for servicing and right of way for pedestrian and vehicle access over Part of Lots 17 and 18, Registered Plan 98, Part 3 of Plan 61R-11338 along the location of the proposed sidewalk in favour of 120 Westmount Road (Part of Lots 17 and 18, Registered Plan 98, Parts 1 and 2 of Plan 61R-11338), substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated February 8, 2018 and updated on September 10, 2018, project number 25557-18,

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

1. That prior to site plan approval and prior to undertaking activities which may injure or destroy regulated trees (whichever occurs first), the applicant shall prepare and submit a Tree Inventory and Preservation Plan (TIPP) in accordance with the City's Private Tree Protection By-law (2010-19058) to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
2. That prior to the issuance of building permits or site alteration permits (whichever occurs first) and prior to undertaking activities which may injure or destroy regulated trees, the applicant shall 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 satisfaction of the General Manager of Planning, Urban Design and Building Services.
3. That the applicant shall contact the City for an inspection(s) of the tree protection fence prior to any work commencing on the property.
4. That prior to issuance of the Certificate of Official, the owner provide a blanket easement for existing buried facilities to the satisfaction of Bell Canada.

5. 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.
6. 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.
7. 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).
8. 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. The Transfer documents for the severed parcel shall contain a statement to ensure that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or transaction with respect to the land described herein; and a statement that the severed parcel and the abutting lands to which this severed parcel is to be added shall be dealt with contemporaneously in any future conveyances or transactions unless further consent is granted under the Planning Act or other lawful order.
9. That the Owner shall consolidate the severed parcel with the abutting lands to which the severed parcel is to be added as a single parcel ("the consolidation") and that the Owner's solicitor shall provide a firm undertaking in writing to the Secretary-Treasurer of the Committee of Adjustment for the City of Guelph that the solicitor will attend to the consolidation and will provide within 30 days of the date of registration in the Land Registry Office for Wellington (No. 61), or prior to the issuance of a building permit [if applicable], whichever occurs first, a copy of the registered electronic Transfer document including the Certificate of Official and the registered application Consolidation Parcels document.
10. That the Transferee take title of the severed lands in the same manner and capacity as he or she holds his or her abutting lands; and that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or any transaction involving the parcel of land that is subject of this consent.

REASONS:

These applications are approved, as it is the opinion of the Committee that, with the above noted conditions of approval, these applications meet the criteria of section 51(24) of the Planning Act to which all consent applications must adhere.

Any and all written submissions relating to these applications that were made to the Committee of Adjustment before its decision and any and all oral submissions related to these applications 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-5/18

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 L. Janis

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent to create a 0.34 hectare easement for servicing and right of way for pedestrian and vehicle access over Part of Lots 17 and 18, Registered Plan 98, Parts 1 and 2 of Plan 61R-11338, currently known 120 Westmount Road, along the proposed private driveway and sidewalks in favour of the abutting property to the rear known as Part of Lots 17 and 18, Registered Plan 98, Part 3 of Plan 61R-11338, substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated February 8, 2018 and updated on September 10, 2018, project number 25557-18, be **APPROVED**, subject to the following conditions:

1. That prior to site plan approval and prior to undertaking activities which may injure or destroy regulated trees (whichever occurs first), the applicant shall prepare and submit a Tree Inventory and Preservation Plan (TIPP) in accordance with the City's Private Tree Protection By-law (2010-19058) to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
2. That prior to the issuance of building permits or site alteration permits (whichever occurs first) and prior to undertaking activities which may injure or destroy regulated trees, the applicant shall 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 satisfaction of the General Manager of Planning, Urban Design and Building Services.
3. That the applicant shall contact the City for an inspection(s) of the tree protection fence prior to any work commencing on the property.
4. That prior to issuance of the Certificate of Official, the owner provide a blanket easement for existing buried facilities to the satisfaction of Bell Canada.
5. 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.

6. 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.
7. 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).
8. 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. The Transfer documents for the severed parcel shall contain a statement to ensure that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or transaction with respect to the land described herein; and a statement that the severed parcel and the abutting lands to which this severed parcel is to be added shall be dealt with contemporaneously in any future conveyances or transactions unless further consent is granted under the Planning Act or other lawful order.
9. That the Owner shall consolidate the severed parcel with the abutting lands to which the severed parcel is to be added as a single parcel ("the consolidation") and that the Owner's solicitor shall provide a firm undertaking in writing to the Secretary-Treasurer of the Committee of Adjustment for the City of Guelph that the solicitor will attend to the consolidation and will provide within 30 days of the date of registration in the Land Registry Office for Wellington (No. 61), or prior to the issuance of a building permit [if applicable], whichever occurs first, a copy of the registered electronic Transfer document including the Certificate of Official and the registered application Consolidation Parcels document.
10. That the Transferee take title of the severed lands in the same manner and capacity as he or she holds his or her abutting lands; and that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or any transaction involving the parcel of land that is subject of this consent.

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-23/18

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, variances from the requirements of Sections 8.3.3.3.2.4, 8.3.3.3.2.5, 8.3.3.3.2.6, Table 5.4.2 Rows 9 and 12 of Zoning By-law (1995)-14864, as amended, for 120 Westmount Road (Part of Lots 17 and 18, Registered Plan 98, Parts 1 and 2 of Plan 61R-11338),

- a) to permit a minimum side yard setback of 6 metres for the dwellings backing onto the left lot line (south side of subject properties) and 11 metres for the dwellings backing onto the right lot line (north side of subject properties), when the By-law requires a minimum side yard setback of:
 - i. 43 metres on the north side (Phase 1 building);
 - ii. 46 metres on the north side (Phase 2 building);
 - iii. 32 metres on the north side (Phase 3 building); and
 - iv. 3 metres on the south side;
- b) to permit a minimum distance between buildings with windows to habitable rooms of 10 metres, when the By-law requires a minimum distance between buildings with windows to habitable rooms of 15 metres (between Phase 2 building and Phase 3 building only);
- c) to permit a minimum of 28 dwelling units for Phase 1 and 20 dwelling units for Phase 2, when the By-law requires a minimum of 300 dwelling units for all three buildings;
- d) to permit a minimum rear yard of 3 metres, when the By-law requires a minimum rear yard equal to 20% of the lot depth or one-half the building height, whichever is greater, but in no case less than 7.5 metres; and
- e) to permit a minimum common amenity area of an amount not less than 25 square metres for dwelling unit for each unit up to 15, and for each additional unit, not less than 10 square metres of common amenity area shall be provided and aggregated into areas of not less than 50 square metres, when the By-law requires a minimum common amenity area of an amount not less than 30 square metres per dwelling unit for each unit up to 20, and for each additional dwelling unit, not less than 20 square metres of common amenity area shall be provided and aggregated into areas of not less than 50 square metres,

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

1. That Consent Applications B-4/18, B-5/18 and B-20/18 receive final certification of the Secretary-Treasurer and be registered on title.

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-24/18

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, variances from the requirements of Sections 8.3.3.3.2.4, 8.3.3.3.2.5, 8.3.3.3.2.6, Table 5.4.2 Rows 9 and 12 of Zoning By-law (1995)-14864, as amended, for Part of Lots 17 and 18, Registered Plan 98, Part 3 of Plan 61R-11338,

- a) to permit a minimum side yard setback of 6 metres for the dwellings backing onto the left lot line (south side of subject properties) and 11 metres for the dwellings backing onto the right lot line (north side of subject properties), when the By-law requires a minimum side yard setback of:
 - i. 43 metres on the north side (Phase 1 building);
 - ii. 46 metres on the north side (Phase 2 building);
 - iii. 32 metres on the north side (Phase 3 building); and
 - iv. 3 metres on the south side;
- b) to permit a minimum distance between buildings with windows to habitable rooms of 10 metres, when the By-law requires a minimum distance between buildings with windows to habitable rooms of 15 metres (between Phase 2 building and Phase 3 building only);
- c) to permit a minimum of 28 dwelling units for Phase 1 and 20 dwelling units for Phase 2, when the By-law requires a minimum of 300 dwelling units for all three buildings;

- d) to permit a minimum rear yard of 3 metres, when the By-law requires a minimum rear yard equal to 20% of the lot depth or one-half the building height, whichever is greater, but in no case less than 7.5 metres; and
- e) to permit a minimum common amenity area of an amount not less than 25 square metres for dwelling unit for each unit up to 15, and for each additional unit, not less than 10 square metres of common amenity area shall be provided and aggregated into areas of not less than 50 square metres, when the By-law requires a minimum common amenity area of an amount not less than 30 square metres per dwelling unit for each unit up to 20, and for each additional dwelling unit, not less than 20 square metres of common amenity area shall be provided and aggregated into areas of not less than 50 square metres,

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

1. That Consent Applications B-4/18, B-5/18 and B-20/18 receive final certification of the Secretary-Treasurer and be registered on title.

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-79/18**
Owner: **2313312 Ontario Inc.**
Agent: **Braedon Gorgi, 2587637 Ontario Inc.**
Location: **62 Dawson Road**
In Attendance: **Braedon Gorgi**
 Nick Anastasakos

Chair B. Birdsell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. B. Gorgi, agent, responded that the sign was posted and comments were received.

Mr. B. Gorgi explained the application.

In response to questions from member S. Dykstra, Mr. B. Gorgi responded that no vehicle traffic is proposed for the gravel area along the north side of the property and is intended to

be open space. Planner A. Watts responded that the site plan process will deal with buffer landscaping. Member S. Dykstra noted that he would be recommending a condition requiring landscaping in the buffer area.

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 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 7.3.1 of Zoning By-law (1995)-14864, as amended, for 62 Dawson Road, to permit a right side yard setback of 7.5 metres and a rear yard setback of 4.5 metres for the proposed warehouse addition, when the By-law requires that when any industrial zone abuts a residential, urban reserve, wetland or park zone, the minimum side or rear yard shall be 10 metres or one-half the building height, whichever is greater, be **APPROVED**, subject to the following conditions:

1. That the Owner submits and receives approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of the building, building design, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the General Manager of Planning Services, and enter into a site plan control agreement registered on title, prior to the issuance of a building permit.
2. That the buffer area be landscaped and that it be 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 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

None.

Adjournment

Moved by S. Dykstra
Seconded by K. Ash

THAT the hearing of the Committee of Adjustment be adjourned at 5:14 p.m.

CARRIED

B. Birdsell
Chair

T. Di Lullo
Secretary-Treasurer