



COMMITTEE OF ADJUSTMENT MINUTES

The Committee of Adjustment for the City of Guelph held its Regular Hearing on Thursday September 12, 2019 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

K. Ash, Chair
D. Kendrick, Vice Chair
S. Dykstra
L. Janis
K. Meads
J. Smith

Regrets: D. Gundrum

Staff Present: J. da Silva, Council and Committee Assistant
T. Di Lullo, Secretary-Treasurer
P. Sheehy, Program Manager-Zoning
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 S. Dykstra

THAT the Minutes from the August 8, 2019 Regular Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

Requests for Withdrawal or Deferral

There were no requests.

Current Applications

Application: A-76/19
Owner: Suncor Energy Inc.

Agent: Robert Elliot

Location: 282 Victoria Road North

In Attendance: R. Elliot

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

R. Elliot explained the application as well as background surrounding the previous minor variance application.

Member L. Janis arrived at 4:04 p.m.

No members of the public spoke.

Chair K. Ash indicated that the condition recommended by staff may be redundant. Member L. Janis moved that the condition be removed.

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

Moved by L. Janis
Seconded by J. Smith

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 6.2.1.1 of Zoning By-law (1995)-14864, as amended, for 282 Victoria Road North, to permit a commercial school use in the existing commercial building to a maximum of 75 percent of the gross floor area, being 895.56 metres, when the By-law does not permit a commercial school use in the Specialized Neighbourhood Shopping Centre (NC-1) zone, 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-77/19
Owner: Guelph Black Heritage Society
Agent: Joel Bartlett Architect Inc.
Location: 83 Essex Street
In Attendance: J. Bartlett

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

J. Bartlett explained the application.

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, and

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 J. Smith
Seconded by D. Kendrick

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 83 Essex Street to permit an addition to the existing public hall, and

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 4.13.4.4 and Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 83 Essex Street, to permit:

- a) a minimum of 3 off-street parking spaces, when the By-law requires a minimum of 1 off-street parking space per 10 square metres of gross floor area, being 9 off-street parking spaces; and
- b) a left side yard setback of 1.2 metres, when the By-law requires a minimum side yard setback of 1.5 metres,

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

1. That the rear yard 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

Application: **A-78/19**
Owner: **Brittany Green and Daniel Mohle**
Agent: **N/A**
Location: **80 Pleasant Road**
In Attendance: **B. Green**
 D. Mohle

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

D. Mohle briefly explained the application.

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 J. Smith
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 from Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 80 Pleasant Road, to permit a right side yard setback of 0.6 metres for the proposed attached garage, when the By-law requires a minimum side yard of 1.5 metres, be **APPROVED**, subject to the following conditions:

1. That the attached garage height be limited to one storey in height.

2. That prior to issuance of a building permit, the applicant make arrangements with the Technical Services Department of Alectra Utilities, formerly Guelph Hydro, for the possible relocation of the existing overhead hydro services 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-79/19**
Owner: **Victoria Park Village**
Agent: **IBI Group**
Location: **1159 Victoria Road South**
In Attendance: **T. Tucker**
 J. Moudakis

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

T. Tucker briefly explained the application.

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 Section 4.21.5 of Zoning By-law (1995)-14864, as amended, for 1159 Victoria Road South, to permit a real estate sales office for a period of 5 years, when the By-law requires that, despite Section 4.21.1, a real estate sales office shall be permitted as an occasional use on a

construction site until such construction is completed or a final building inspection is conducted, whichever even occurs first, be **APPROVED**, subject to the following conditions:

1. That the temporary sales trailer be permitted for a maximum of three (3) years from the date of issuance of a building permit.
2. That the owner enters into an agreement registered on the title of the property prior to the issuance of a building permit, requiring that the temporary sales trailer be removed within three (3) years of the date of issuance of a building permit.
3. That the existing agreement registered February 8, 2019 as Instrument No. WC495211 be released off title once the new agreement is registered at the sole cost of the owner.
4. That a site plan application for a temporary sales trailer and parking area be submitted to the City and approved.

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-80/19**
Owner: **Sean Nicholas Carroll**
Agent: **Larry Carroll**
Location: **51 Mountford Drive**
In Attendance: **S. Carroll**

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

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 K. Meads

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 51 Mountford Drive, to permit 3 parking spaces in a stacked arrangement, when the By-law requires that the required off-street parking space for an accessory apartment may be stacked behind the required off-street parking space of the host dwelling in the driveway to a maximum of 2 parking spaces permitted in a stacked arrangement, be **APPROVED**, subject to the following condition:

1. That prior to the issuance of a building permit for the accessory apartment, the owner extends the length of the driveway so that it is a minimum of 16.5 metres measured from the property line to accommodate 3 stacked parking spaces (being 5.5 metres each in length).

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-81/19
Owner: 1876698 Ontario Inc.
Agent: Corey Wehrle, Orchard Design Studio Inc.
Location: 1131 Gordon Street
In Attendance: K. Byoungki
C. Wehrle

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

C. Wherle briefly explained the application.

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 K. Meads
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 from Table 5.3.2 Row 8 of Zoning By-law (1995)-14864, as amended, for 1131 Gordon Street, to permit a maximum building coverage of 32.58 percent of the lot area, when the By-law requires that that the maximum building coverage in a Residential Cluster Townhouse (R.3A) Zone is 30 percent of the lot 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-82/19
Owner: George Staikos and Margaret Strybosch
Agent: Terra View Construction Ltd.
Location: 12 Forbes Avenue
In Attendance: D. Brix

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

D. Brix explained the application.

Member S. Dykstra recommended that a condition be added to ensure the proposal is in accordance with the public notice sketch.

D. Brix requested that the exterior side yard setback be further reduced from 5.62 metres to allow for flexibility in foundation placement.

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 J. Smith
Seconded by K. Meads

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 6a and Section 5.1.2.7 i) of Zoning By-law (1995)-14864, as amended, for 12 Forbes Avenue, to permit a new detached dwelling with an exterior side yard setback of 5.6 metres, when the By-law requires,

- a) a minimum exterior side yard setback of 4.5 metres and in accordance with Section 5.1.2.7; and
- b) a minimum exterior side yard of 6 metres in accordance with Table 5.1.2 Row 6a,

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

- 1. That prior to the issuance of a building permit, the applicant make arrangements with the Technical Services Department of Alectra Utilities, Formerly Guelph Hydro for the newly created lot at the applicant's expense.
- 2. That the proposed dwelling 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 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

Applications: A-83/19, A-84/19 and A-85/19

Owner: Terra View Construction Inc.

Agent: N/A

Location: 212, 214 and 216 Carrington Drive

In Attendance: D. Brix

Secretary-Treasurer T. Di Lullo noted that a revised public notice were circulated on August 30, 2019 to correct the minor variance requests. These revisions were to amend the requested variances for files A-84/19 and A-85/19 to indicate that the required parking space be to the front of the front wall of the dwelling, and to amend the requested variance for file A-85/19 to indicate that the required parking space be 0.1 metres from the street line. She also noted that the right side yard setback variance for file A-85/19 is not required.

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. D. Brix, representative for owner, responded that the sign was posted and comments were received.

D. Brix briefly explained the applications.

No members of the public spoke.

File A-83/19

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. Meads
Seconded by L. Janis

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 212 Carrington Drive, to permit a right yard setback of 0 metres for the proposed building connection, when the By-law requires that a minimum side yard setback of 1.5 metres, be **APPROVED**, subject to the following conditions:

1. That the temporary building connections between 212 and 214 Carrington Drive be demolished prior to the transfer of lease/title to a subsequent owner(s) or within 3 years of the issuance of a building permit, whichever occurs first.
2. That prior to the issuance of a building permit, the owner enters into an agreement registered on title to the properties, requiring that the building connections be removed and the sales offices restored to garages to accommodate the legal parking spaces for each dwelling, prior to the transfer of title to a subsequent owner or within 3 years of the issuance of a building permit, whichever occurs first.

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

File A-84/19

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. Meads
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 Table 5.1.2 Row 7 and Section 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 214 Carrington Drive,

- a) to permit a right and left side yard setback of 0 metres for the proposed building connection, when the By-law requires that a minimum side yard setback of 1.5 metres; and,
- b) to permit the required parking space to be 0.3 metres from the street line and to the front of the front wall of the main building, when the By-law requires that in a R.1, R.2 and R.3B 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,

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

1. That the temporary sales office at 214 and 216 Carrington Drive 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 the issuance of a building permit, whichever occurs first.
2. That the temporary building connections between 212 and 214 Carrington Drive and 214 and 216 Carrington Drive be demolished prior to the transfer of lease/title to a subsequent owner(s) or within 3 years of the issuance of a building permit, whichever occurs first.

3. That prior to the issuance of a building permit, the owner enters into an agreement registered on title to the properties, requiring that the building connections be removed and the sales offices restored to garages to accommodate the legal parking spaces for each dwelling, prior to the transfer of title to a subsequent owner or within 3 years of the issuance of a building permit, whichever occurs first.

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

File A-85/19

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. Meads
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 Table 5.1.2 Row 7 and Section 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 216 Carrington Drive,

- a) to permit left side yard setback of 0 metres for the proposed building connection, when the By-law requires that a minimum side yard setback of 1.5 metres; and,
- b) to permit the required parking space to be 0.1 metres from the street line and to the front of the front wall of the main building, when the By-law requires that in a R.1, R.2 and R.3B 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,

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

1. That the temporary sales office at 214 and 216 Carrington Drive 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 the issuance of a building permit, whichever occurs first.

2. That the temporary building connections between 214 and 216 Carrington Drive be demolished prior to the transfer of lease/title to a subsequent owner(s) or within 3 years of the issuance of a building permit, whichever occurs first.
3. That prior to the issuance of a building permit, the owner enters into an agreement registered on title to the properties, requiring that the building connections be removed and the sales offices restored to garages to accommodate the legal parking spaces for each dwelling, prior to the transfer of title to a subsequent owner or within 3 years of the issuance of a building permit, whichever occurs first.

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-86/19**
Owner: **Darin Bryce and Kerri Bryce**
Agent: **Corinne Maloney**
Location: **24 Durham Street**
In Attendance: **D. Bryce**

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

D. Bryce indicated that he was working on addressing the condition from Alectra Utilities.

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 Sections 4.13.2.1 and 5.1.2.7 of Zoning By-law (1995)-14864, as amended, for 24 Durham Street, to permit a proposed carport to be 4.32 metres away from the front property line, when the By-law requires that,

- a) 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; and
- b) the minimum front or exterior side yard for dwellings located within defined Area Map Number 66 of Schedule "A" of the By-law, shall be 6 metres or the average of the setbacks of the adjacent properties, and where the off-street parking space is located within a garage or carport, the setback for the garage or carport shall be a minimum of 6 metres from the street line,

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

- 1. That prior to issuance of a building permit, the applicant make arrangements with the Technical Services Department of Alectra Utilities, formerly Guelph Hydro, for the possible relocation of the existing overhead hydro services at the applicant's expense.

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-12/19
Owner: 328 Speedvale Commercial Centre Inc.
Agent: Jonathan Kitchen, Filiz Tamer; Dillon Consulting Ltd.
Location: 328-386 Speedvale Avenue East
In Attendance: F. Tamer

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

No members of the public spoke.

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 J. Smith

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 a long-term lease in excess of 21 years for Division F, Part of Broken Front Lot B, for a building municipally known as 386 Speedvale Avenue East, a parcel occupied by a Tim Horton's restaurant and associated drive-through comprising an area of 599 square metres, shown as proposed Part 1 and substantially in accordance with a sketch prepared by Black, Shoemaker, Robinson and Donaldson Limited dated April 11, 2019, project number 19-14-893, be **APPROVED**, subject to the following conditions:

1. 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.
2. 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.
3. 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 leased parcel(s), 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).
4. 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

Staff Announcements

In response to a question from member D. Kendrick, Planner A. Watts indicated that staff are already looking into parking concerns on Essex Street.

Chair K. Ash reminded the members that the next hearing is September 26, 2019.

Adjournment

Moved by K. Meads
Seconded by S. Dykstra

THAT the hearing of the Committee of Adjustment be adjourned at 4:42 p.m.

CARRIED

K. Ash
Chair

T. Di Lullo
Secretary-Treasurer