

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday January 15, 2013 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

- A. Diamond (until 4:20 p.m.)
- R. Funnell
- B. Birdsell
- C. Downer
- L. McNair
- D. Kelly, Chair

Regrets: J. Hillen

Staff Present: M. Witmer, Planner  
T. Spears, Planner  
K. Fairfull, Secretary-Treasurer  
M. Bunnnett, Assistant Secretary-Treasurer

### Declarations of Pecuniary Interest

Committee member B. Birdsell declared a pecuniary interest for Application B-3/13 at 243-263 Woodlawn Road, West, as the owner is a client.

There were no further declarations of pecuniary interest.

### Meeting Minutes

Moved by R. Funnell and seconded by B. Birdsell,

“THAT the Minutes from the December 11, 2012 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

The Committee welcomed the newest Committee of Adjustment member Cathy Downer who was attending her first Committee of Adjustment meeting.

The Secretary-Treasurer advised the Committee she received information from the Parking Office for parking for Committee members. She noted parking is allowed for 2 hours maximum/once per day on any City streets. This is enforced until 9:00 p.m. She noted parking is

January 15, 2013 C of A Minutes

free in the Wilson Street parking lot after 6:00 p.m. She further advised parking passes are available for the Baker Street parking lot.

### **Election of Chair and Vice-Chair for 2013**

The Chair was handed over to the Secretary-Treasurer during elections.

The Secretary-Treasurer asked if there were any nominations from the floor for Chair of the Committee of Adjustment for 2013.

R. Funnell noted D. Kelly has expressed interest in being the Chair of the Committee.

Moved by R. Funnell and seconded by A. Diamond,  
"THAT D. Kelly be nominated as Chair for the Committee of Adjustment for the year 2013."

Moved by B. Birdsell and seconded by R. Funnell  
"THAT L. McNair be nominated as Chair for the Committee of Adjustment for the year 2013."

Both D. Kelly and L. McNair accepted the nominations. Both members left the room while a vote took place.

The vote resulted in D. Kelly being appointed Chair of the City of Guelph Committee of Adjustment for 2013.

The Secretary-Treasurer asked if there were any nominations from the floor for Vice-Chair of the Committee of Adjustment for 2013.

Moved by L. McNair and seconded B. Birdsell,  
"THAT A. Diamond be appointed Vice-Chair of the Committee of Adjustment for the year 2013."

Moved by A. Diamond and seconded by R. Funnell,  
"THAT L. McNair be appointed Vice-Chair of the Committee of Adjustment for the year 2013."

Both A. Diamond and L. McNair accepted the nominations. Both members left the room while a vote took place.

The vote resulted in a tie.

The nominees were invited back to the meeting.

The Committee requested this item be placed on the February meeting Agenda.

Committee member B. Birdsell, having declared a pecuniary interest for the next application, left the room.

**Application:** B-3/13

**Owner:** Fortec Realty Holdings Inc.

**Agent:** Robert Blunt, Fraser Milner Casgrain LLP

**Location:** 243-263 Woodlawn Road West

**In Attendance:** Robert Blunt

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Blunt replied the signs were posted several times and comments were received from staff. He noted the lease is a standard McDonald's lease for the free standing building in the parking lot of the subject property. He explained the parking and access is shared with the rest of the plaza and this is outlined in the lease.

Planner M. Witmer did have concerns about parking and access requirements in the lease and staff received verification parking and circulation would be provided so staff are now satisfied.

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

Moved by L. McNair and seconded by C. Downer,

"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 long term lease for Part Lot 17, Registered Plan 797, known municipally as 243 Woodlawn Road West, a building for a McDonalds restaurant, to permit a lease for a period of 20 years with an option to renew the term of the lease from the date of expiration for one additional term of ten (10) years and two (2) additional term of five (5) years each, be approved, subject to the following conditions:

1. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to January 18, 2014.
2. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed."

Carried

Committee member B. Birdsell was summoned back to the meeting.

**Application:** A-128/12  
**Owner:** GMA Holdings  
**Agent:** Michael Klein  
**Location:** 965 York Road  
**In Attendance:** Russell Cox  
Michael Klein  
Regan Cox  
Jonathan Hiller  
Jim Mairs

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Klein replied the notice sign was posted and comments were received from staff. He explained he was the agent for the sale of the property to Cox Construction. He noted the application was deferred at the December meeting as he was unable to attend because of car trouble. He noted they are seeking approval to permit a contractor's yard and staff determined after the December deferral that a zoning amendment and official plan amendment should be obtained to permit the use. He noted they wish to proceed with approval through the minor variance application as suggested early in 2012 and advised staff supports this use at this location. He noted Cox Construction has outgrown their building on Eramosa Road and Speedvale Avenue and would like to remain in Guelph. He explained the concern of staff is the outdoor storage of equipment on the property which is not permitted in the current Official Plan. He noted Hitachi on Woodlawn Road has the storage of equipment adjacent to an arterial road with no screening. He advised they have applied for site plan approval and intend to implement landscaping along the street frontages.

Regan Cox, President of Cox Construction explained their current building has been their home in excess of 60 years. He explained they approached staff in 2012 about moving to this location and they were given assurance the use would be supported. He advised if they were directed at that time to apply for an Official Plan and Zoning By-law amendment, the applications would have been submitted. He noted they wish to move into the building and be operational by the end of 2013 and the planning applications suggested would move this move back an additional

year. He noted they will be supplying 70 off-street parking spaces when the By-law requires 83 spaces; however, they only have need for 25 spaces.

He asked the Committee for support to make possible to stay in Guelph.

Committee member L. McNair questioned what the zoning was for their existing property.

Mr. Cox replied the property is legal non-conforming.

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 R. Funnell and seconded by B. Birdsell,

“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 7.1.1 and 4.13.4.2 of Zoning By-law (1995)-14864, as amended, for 965 York Road,

- a) to permit a contractor’s yard when the By-law permits a range of uses but does not permit a contractors’ yard, and
- b) to permit a total of 70 off-street parking spaces when the By-law requires a total of 83 off-street parking spaces,

be approved subject to the following conditions:

1. That the owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, fencing, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the lands to the satisfaction of the General Manager of Planning and Building Services and General Manager/City Engineer, prior to the issuance of a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.
2. Prior to site plan approval, the owner shall submit a stormwater management certificate from a Professional Engineer who designed the site servicing and storm water management system certifying to the City that he/she supervised the construction of the site servicing and storm water management system, and that the site services and stormwater management system was built as it was approved by the City and that it is functioning properly.
3. Prior to site plan approval, the owner shall submit a grading certificate from a Professional Engineer or Ontario Land Surveyor to certify that the grading of the

property was graded in accordance with the overall Site Grading Plans approved by the General Manager/City Engineer.

4. That the applicant submits a fully detailed site plan (i.e. landscape plan, elevations, etc.) to the Site Plan Review Committee, prior to the issuance of any building or demolition permit(s).
5. That prior to receiving site plan approval, the submitted site plan shall address to the satisfaction of the General Manager of Planning Services, enhanced screening, access, landscaping, berms and buffers, fencing, and building elevations to ensure appropriate screening of the contractors' yard from Watson Parkway.
6. That a formal site plan agreement be entered into with the City and registered on title, prior to the issuance of any building or demolition permit(s).
7. That an agreement, satisfactory to the City Solicitor be registered on title that the use be permitted only during the duration of ownership of Cox Construction."

Carried

**Application:** B-4/13

**Owner:** John Calvin Christian School Society Guelph

**Agent:** Jeff Buisman, VanHarten Surveying Inc.

**Location:** 195 College Avenue West

**In Attendance:** Jeff Buisman

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Buisman replied the notice sign was posted and comments were received from staff. He explained he was representing Guelph Community Christian School who has purchased 195 College Avenue West along with a vacant lot on Lynwood, which is now surplus property. He explained they recently rezoned the property to allow for a residential use; however there is a water line from Lynwood Avenue to the school building therefore a 4 metre wide easement is being requested for the benefit of the school.

Having had regard to the matters under Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and having considered whether a plan of subdivision of the

land in accordance with Section 51 of the said Act is necessary for the proper and orderly development of the land,

Moved by L. McNair and seconded by C. Downer,

“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 an easement over Part Lot 16, Registered Plan 432, to be known municipally as 61 Lynwood Avenue, an easement with a width of 4 metres and a depth of 57.5 metres as described on a Sketch for Proposed Easement dated December 10, 2012, prepared by Van Harten Surveying Inc., to protect a water service lateral serving 195 College Avenue West, be approved, subject to the following conditions:

1. The Owner acknowledges and agrees that the suitability of the land for the proposed use is the responsibility of the landowner. The Owner shall retain a Qualified Person (QP) as defined in Ontario Regulation 153/04 to prepare and submit a Phase 1 Environmental Site Assessment and any other subsequent phases required, to assess any real property to ensure that such property is free of contamination. If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the Owner’s expense. Prior to the transfer of title to a subsequent owner or within six (6) months of the Committee of Adjustments decision, whichever comes first, a Qualified Person shall certify that all properties to be developed are free of contamination.
2. If contamination is found, the Owner shall:
  - a) submit all environmental assessment reports prepared in accordance with the Record of Site Condition (O. Reg. 153/04) describing the current conditions of the land to be developed and the proposed remedial action plan to the satisfaction of the City;
  - b) complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be developed meet the Site Condition Standards of the intended land use; and
  - c) file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be developed.
3. Prior to the issuance of a building permit, the owner shall have a Professional Engineer design a grading and drainage plan for the site, satisfactory to the General Manager/City Engineer.
4. Prior to the issuance of a building permit, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.

5. That the owner enters into a Storm Sewer Agreement, as established by the City, providing a grading and drainage plan, registered on title, prior to the issuance of a building permit.
6. The owner shall pay to the City the actual cost of the construction of the new driveway entrance and the required curb cut and/or curb fill and furthermore, prior to the issuance of a building permit, the owner shall pay to the City the estimated cost of the new driveway entrance and the required curb cut and/or curb fill, as determined by the General Manager/City Engineer.
7. That the owner constructs the new building at such an elevation that the lowest level of the new dwelling can be serviced with a gravity connection to the sanitary sewer.
8. The owner shall be responsible for the entire cost of the removal of the existing asphalt pavement, hydro poles and guy wires from the subject property, prior to the issuance of a building permit.
9. The owner shall be responsible for the entire cost of the removal of the existing chainlink fence within the road allowance, prior to the issuance of a building permit.
10. The owner shall pay the actual cost of the removal of the existing gravel within the road allowance, the restoration of the boulevard with topsoil and sod including the required curb fill, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
11. The owner pays the actual cost of constructing and installing sanitary and water service laterals required including any curb cuts and/or curb fills and furthermore, prior to the issuance of a building permit, the owner shall pay to the City the estimate cost of the service laterals, as determined by the General Manager/City Engineer.
12. That prior to the transfer of title to a subsequent owner, the servient tenement (59 Lynwood Avenue, Lot 16, Registered Plan 432), grants an easement approximately 4.0-metres (13.12 feet) wide by approximately 57.51-metres (188.68 feet) long, registered on title, in favour of the dominant tenement (195 College Avenue West, Part of Lot 4, Concession 4, Division "G" and Part of Lot 5, Concession 4, Division "G", Township of Guelph) for access and water service purposes.
13. That prior to the transfer of title to a subsequent owner, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the easement and access.



14. That prior to the transfer of title to a subsequent owner, the owner's solicitor certifies that the easement, in favour of the Guelph Community Christian School (195 College Avenue West), has been granted and registered on title.
15. The owner shall place the following notification in the offer of purchase and sale for the dwelling unit and to be registered on title:
  - i) that sump pumps will be required for the lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a design by a Professional Engineer. Furthermore, sumps pumps must be discharged to the rear yard.
16. That the owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the said lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of a building permit.
17. That prior to the issuance of a building permit, the owner shall enter into an agreement with the City, registered on title, satisfactory to the City Solicitor and the General Manager/City Engineer, covering the conditions noted above and to develop the site in accordance with the approved plans.
18. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to January 18, 2014.
19. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
20. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
21. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

**Application:** A-3/13  
**Owner:** Chris and Irene Marson  
**Agent:** Phil McFadden, McFadden Contracting  
**Location:** 34 McTague Street  
**In Attendance:** Phil McFadden

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. McFadden replied the notice sign was posted and comments were received from staff. He noted there are comments related to the permit application which will be reviewed by Building Services staff with the permit 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 B. Birdsell and seconded by L. McNair,

“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 34 McTague Street, to permit a 4.21 metre by 6.4 metre two storey rear addition to be located 0.96 metres from the right side lot line when the By-law requires a minimum side yard of 1.5 metres, be approved.”

Carried

**Application:** B-1/13 and B-2/13  
**Owner:** Kamal and Baljit Hira  
**Agent:** Nancy Shoemaker; Black, Shoemaker, Robinson, Donaldson  
**Location:** 172 Niska Road  
**In Attendance:** Brian Beattie  
Kamal and Baljit Hira

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Beattie explained the owner of the property has previously paid for sidewalk improvements along this frontage in 1992 and 1996 and they have concerns about paying for this again.

Planner M. Witmer noted the zoning amendment to allow residential development came into effect on December 17<sup>th</sup>, 2012.

Application Number B-1/13

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 R. Funnell and seconded by C. Downer,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 14, Concession 5, (proposed Part 1 on a sketch prepared by Black, Shoemaker, Robinson & Donaldson dated November 30, 2012, project no. 11-8827-9,) to be known as 172 Niska Road, a parcel with a lot frontage along Niska Road of 15.850 metres and a depth of 83.332 metres, be approved subject to the following conditions:

1. That prior to endorstation of the deeds, the owner shall pay the proportionate share of the actual costs of the existing roadworks, existing watermain, sanitary sewer and storm sewers, curb and gutter and any street lighting upgrades across the frontage of the property as determined by the General Manager/City Engineer.
2. Prior to endorstation of the deeds, the owner shall provide a complete “sightline/vertical curve assessment” report prepared by a professional engineer to determine whether sightline distances are sufficient for the proposed driveways.
3. Prior to endorstation of the deeds, the owner shall be responsible for all of the costs associated with the demolition and removal of the existing dwelling from the property.
4. Prior to endorstation of the deeds, the owner will be responsible to decommission the existing septic system and private well to the satisfaction of the City’s Plumbing/Sewage System Inspector.
5. Prior to endorstation of the deeds, the owner shall pay the costs associated with any removal of the existing cedar trees on the road allowance that are located along the

entire frontage of 172 Niska Road, to the satisfaction of the General Manager/City Engineer.

6. That the owner agrees to pay the actual cost of constructing new service laterals to the proposed severed lands including the cost of any curb cuts or fills required, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
7. Prior to endorsation of the deeds, that, if not already paid, the owner shall pay to the City the estimated costs associated with the construction of the sidewalk across the entire frontage of the property as determined by the General Manager/City Engineer. Furthermore, the owner agrees to pay the actual cost of the sidewalk across the entire frontage of the property, and pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
8. That the owner pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
9. That the owner pays to the City the actual cost of construction of the new driveway entrances and the required curb cuts and/or curb fills and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost of the new driveway entrances and the required curb cuts and/or curb fills, as determined by the General Manager/City Engineer.
10. That prior to the issuance of any building permits on the said lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed severed lands.
11. That the owner constructs the new dwellings at such an elevation that the lowest level of the buildings can be serviced with a gravity connection to the sanitary sewer.
12. That the owner enters into a Storm Sewer Agreement as established by the City, providing a grading and drainage plan, registered on title, satisfactory to the General Manager/City Engineer, prior to endorsation of the deeds.

13. That a legal off-street parking space be created on the severed parcels and on the proposed retained lands at a minimum setback of 6-metres from the property line at the street.
14. Prior to endorsation of the deeds, the owner will be required to ensure that any domestic wells or monitoring wells and boreholes drilled for hydrogeological or geotechnical investigations are properly decommissioned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer.
15. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
16. Prior to the issuance of a building permit, the owner agrees to place a notification in the offer of purchase and sale for the lot that sump pumps will be required unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
17. That the owner pays the actual cost associated with the removal of the existing asphalt within the road allowance from the area of the existing driveway entrances, the restoration of the boulevard with topsoil and sod including any required curb fill, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to endorsation of the deeds.
18. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
19. That all electrical services to the lands are underground and the owner shall make satisfactory arrangements with the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
20. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
21. Prior to the issuance of building permits, the Owner shall provide the City with written confirmation that the dwellings on the subject site will be constructed to a standard that implements energy efficiency in order to support the Community

- Energy Initiative to the satisfaction of the General Manager of Planning Services in accordance with the letter attached as Attachment 7 to Report 12-100 from Planning and Building, Engineering and Environment dated November 4, 2012.
22. The Owner shall be responsible for the payment of cash-in-lieu of parkland dedication in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545 and By-Law (2007)-18225, or any successor thereof prior to the issuance of building permits.
  23. The Developer shall prepare an updated Tree Preservation Plan and Compensation Plan prior to endorsement of the deeds so as to adequately address tree protection for those trees being retained and compensation for those trees proposed to be removed, including ensuring that hedgerows are not impacted by any construction activities or building locations. The proposed sidewalk location is also to be shown on the updated Tree Preservation Plan, along with necessary protection measures.
  24. That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services.
  25. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
  26. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwelling on the severed parcel indicating:
    - a) The location and design of the new dwelling;
    - b) The location of the new dwelling with a setback that is in character with the surrounding area;
    - c) Grading, drainage and servicing information;
  27. The Developer shall pay to the City, the total cost of reproduction and distribution of the Guelph Residents Environmental Handbook, with such payment based on a cost of one handbook for each of the three new dwelling units as determined by the City, prior to the issuance of any building permits.
  28. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deeds.
  29. That prior to issuance of a building permit, the applicant contact the Technical Services Department of Guelph Hydro Electric Systems Inc. for options on servicing the three lots via underground. The servicing costs would be at the applicant's

expense.

30. That prior to endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
31. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to January 18, 2014.
32. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
33. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
34. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

Application Number B-2/13

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 R. Funnell and seconded by C. Downer,

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 14, Concession 5, (proposed part 2 on a sketch prepared by Black, Shoemaker, Robinson & Donaldson dated November 30, 2012, project no. 11-8827-9, to be known as 178 Niska Road, a parcel

with a lot frontage along Niska Road of 18.718 metres and a depth of 83.332 metres, be approved subject to the following conditions:

1. That prior to endorsation of the deeds, the owner shall pay the proportionate share of the actual costs of the existing roadworks, existing watermain, sanitary sewer and storm sewers, curb and gutter and any street lighting upgrades across the frontage of the property as determined by the General Manager/City Engineer.
2. Prior to endorsation of the deeds, the owner shall provide a complete "sightline/vertical curve assessment" report prepared by a professional engineer to determine whether sightline distances are sufficient for the proposed driveways.
3. Prior to endorsation of the deeds, the owner shall be responsible for all of the costs associated with the demolition and removal of the existing dwelling from the property.
4. Prior to endorsation of the deeds, the owner will be responsible to decommission the existing septic system and private well to the satisfaction of the City's Plumbing/Sewage System Inspector.
5. Prior to endorsation of the deeds, the owner shall pay the costs associated with any removal of the existing cedar trees on the road allowance that are located along the entire frontage of 172 Niska Road, to the satisfaction of the General Manager/City Engineer.
6. That the owner agrees to pay the actual cost of constructing new service laterals to the proposed severed lands including the cost of any curb cuts or fills required, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
35. Prior to endorsation of the deeds, that, if not already paid, the owner shall pay to the City the estimated costs associated with the construction of the sidewalk across the entire frontage of the property as determined by the General Manager/City Engineer. Furthermore, the owner agrees to pay the actual cost of the sidewalk across the entire frontage of the property, and pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
7. That the owner pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education



- Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
8. That the owner pays to the City the actual cost of construction of the new driveway entrances and the required curb cuts and/or curb fills and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost of the new driveway entrances and the required curb cuts and/or curb fills, as determined by the General Manager/City Engineer.
  9. That prior to the issuance of any building permits on the said lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed severed lands.
  10. That the owner constructs the new dwellings at such an elevation that the lowest level of the buildings can be serviced with a gravity connection to the sanitary sewer.
  11. That the owner enters into a Storm Sewer Agreement as established by the City, providing a grading and drainage plan, registered on title, satisfactory to the General Manager/City Engineer, prior to endorstation of the deeds.
  12. That a legal off-street parking space be created on the severed parcels and on the proposed retained lands at a minimum setback of 6-metres from the property line at the street.
  13. Prior to endorstation of the deeds, the owner will be required to ensure that any domestic wells or monitoring wells and boreholes drilled for hydrogeological or geotechnical investigations are properly decommissioned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer.
  14. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
  15. Prior to the issuance of a building permit, the owner agrees to place a notification in the offer of purchase and sale for the lot that sump pumps will be required unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
  16. That the owner pays the actual cost associated with the removal of the existing asphalt within the road allowance from the area of the existing driveway entrances,

- the restoration of the boulevard with topsoil and sod including any required curb fill, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to endorsement of the deeds.
17. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
  18. That all electrical services to the lands are underground and the owner shall make satisfactory arrangements with the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
  19. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
  20. Prior to the issuance of building permits, the Owner shall provide the City with written confirmation that the dwellings on the subject site will be constructed to a standard that implements energy efficiency in order to support the Community Energy Initiative to the satisfaction of the General Manager of Planning Services in accordance with the letter attached as Attachment 7 to Report 12-100 from Planning and Building, Engineering and Environment dated November 4, 2012.
  21. The Owner shall be responsible for the payment of cash-in-lieu of parkland dedication in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545 and By-Law (2007)-18225, or any successor thereof prior to the issuance of building permits.
  22. The Developer shall prepare an updated Tree Preservation Plan and Compensation Plan prior to endorsement of the deeds so as to adequately address tree protection for those trees being retained and compensation for those trees proposed to be removed, including ensuring that hedgerows are not impacted by any construction activities or building locations. The proposed sidewalk location is also to be shown on the updated Tree Preservation Plan, along with necessary protection measures.
  23. That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services.
  24. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.

25. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwelling on the severed parcel indicating:
  - d) The location and design of the new dwelling;
  - e) The location of the new dwelling with a setback that is in character with the surrounding area;
  - f) Grading, drainage and servicing information;
26. The Developer shall pay to the City, the total cost of reproduction and distribution of the Guelph Residents Environmental Handbook, with such payment based on a cost of one handbook for each of the three new dwelling units as determined by the City, prior to the issuance of any building permits.
27. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deeds.
28. That prior to issuance of a building permit, the applicant contact the Technical Services Department of Guelph Hydro Electric Systems Inc. for options on servicing the three lots via underground. The servicing costs would be at the applicant's expense.
29. That prior to endorsement of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
30. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to January 18, 2014.
31. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
32. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.

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

Carried

**Application:** B-5/13  
**Owner:** Vincent Goobie  
**Agent:** Jeffrey A. Mann, Flesher & Mann  
**Location:** 32 Roland Street  
**In Attendance:** Brian Beattie

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Beattie replied the notice signs were posted and comments received. He noted the application has been filed as a result of accidental merging of the properties on title with change in ownership. He noted the severance will result in certain minor variances which will be coming back to the Committee. He noted the proposed easement was originally thought to run through both 32 and 34 Roland Street, however it has been confirmed it runs through 32 Roland Street only, therefore Engineering recommended Condition 5 is not required.

Staff agreed Condition 5 is no longer recommended.

Committee member C. Downer expressed concern about payment of sidewalk along Roland Street when it will result in the elimination of three major trees. She agreed with the need for sidewalk along Bristol Street but noted the sidewalk along Roland Street could be constructed on the other side of the street without the removal of mature trees. She further questioned the need for a road widening identified in the Official Plan.

Chair D. Kelly advised the Committee they have the authority to eliminate or change the recommendations.

The Committee agreed to amend the recommendation to paying for sidewalk along Bristol Street only.

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

Moved by L. McNair and seconded by B. Birdsell,

“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 Lots 36 and 37, Registered Plan 34, as described in a Sketch Prepared for Severance Application, prepared by Black, Shoemaker, Robinson & Donaldson dated December 14, 2012, project no. 12-9393-1, , known municipally as 32 Roland Street, a parcel with a frontage along Roland Street of 14.326 metres and a depth of 27.432 metres, be approved subject to the following conditions:

1. That the owner deeds to the City free of all encumbrances a 4.20-metre (13.78 feet) wide parcel of land for a road widening across the entire frontage of 34 Roland Street, prior to endorstation of the deeds.
2. That the owner deeds to the City free of all encumbrances a 4.971-metre (16.31 feet) wide parcel of land for a road widening across the entire frontage of 32 Roland Street and across 297 Bristol Street, prior to endorstation of the deeds.
3. That prior to endorstation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the required road widenings.
4. That prior to endorstation of the deeds, the servient tenement (32 Roland Street Part of Lots 36 and 37, Registered Plan 34), grants an easement with a width of approximately 5.0-metres (16.40 feet) wide and a depth of approximately 11.0-metres (36.09 feet), registered on title, in favour of the dominant tenement (City of Guelph) over the existing 750mm (2.50 feet) and 500mm (1.64 feet) sanitary trunk sewer.
5. That prior to endorstation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the required easement.
6. That prior to endorstation of the deeds, the owner’s solicitor certifies that the easement, in favour of the dominant tenement (City of Guelph), has been granted and registered on title.
7. That prior to endorstation of deeds, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of the covered porch of 32 Roland Street that encroaches onto the Roland Street road allowance.

8. That prior to endorstation of deeds, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of the enclosed porch and steps of 34 Roland Street that encroaches onto the Roland Street road allowance.
9. That the owner shall pay to the City, the City's estimated costs associated with the construction of a concrete sidewalk across Bristol Street frontage only, as determined by the General Manager/City Engineer, prior to endorstation of deeds.
10. That the applicant applies to the Committee of Adjustment for the necessary variance(s) required to bring the new lot (the lot 'To Be Severed' as labeled on the sketch) into compliance with the Zoning By-law. Approval of this consent application will be conditional upon approval of the minor variance application submitted to bring this new lot into compliance with the Zoning By-law.
11. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to January 18, 2014.
12. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
13. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
14. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

**Application:**            **A-8/13**

**Owner:**                 **880350 Ontario Inc.**

**Agent: Mario Venditti**

**Location: 728 Victoria Road South**

**In Attendance: Mario Venditti  
Carm Piccoli**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Venditti replied the notice signs were posted and comments were received from staff. He provided background related to the request for a variance to permit an office use and a school on the site. He advised he had no concerns with the recommended conditions from staff.

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 B. Birdsell and seconded by R. Funnell,

“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 11.1.1 of the City of Guelph Zoning By-law (1995)-14864, as amended; and Sections 5(2) and 15(2) of the Township of Puslinch Zoning By-law No. 19/85, for 728 Victoria Road South,

- a) to permit an office use in the existing building when the Township of Puslinch By-law permits a “construction office” but does not permit an “office”, and
- b) to permit a school use as defined in the City of Guelph Zoning By-law (1995)-14864, as amended, in the existing building when the Township of Puslinch By-law does not differentiate between a “commercial school” or a “school”,

be approved, subject to the following conditions:

1. That prior to the issuance of a building permit, the owner shall demonstrate to the satisfaction of the General Manager/City Engineer that the existing septic system has adequate capacity to support the proposed additional uses.
2. That prior to the issuance of a building permit, the owner shall have an Ontario Land Surveyor show the location of the existing well, septic tank and tile bed, relevant to the existing property line.

3. That prior to the issuance of a building permit, the owner shall satisfy the City's Chief Plumbing/Sewage System Inspector, that the well, septic tank and tile bed are located in accordance with all appropriate regulations.
4. That an office as a permitted use is made under the definition of 'office' in Section 3 of the City of Guelph Zoning By-law (1995)-14864, as amended.
5. That the office and school uses be confined to the existing '2 storey concrete office building' only as shown on the submitted sketch with Application A-8/13.
6. That no physical expansions or additions be made to the '2 storey concrete office building' to accommodate the office and/or school uses.
7. That any exterior physical modifications made be subject to site plan approval under Section 41 of *The Planning Act* as well as Sections 9.10.1 to 9.10.4 of the Official Plan.
8. That the applicant confirm in writing to the Secretary-Treasurer of the Committee of Adjustment that all required off-street parking provisions have been met, prior to the issuance of any building permits."

Carried

**Application:**            **A-1/13**

**Owner:**                 **Jennifer Rego and Jennifer Rooney**

**Agent:**                 **Robyn Fraser and Christine Allard**

**Location:**             **72 Arnold Street**

**In Attendance:**       **Robyn Fraser**  
                              **Jennifer Rego**  
                              **Jennifer Rooney**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. Fraser replied that the sign was posted and the staff comments were received. She explained that she and her partner are interested in purchasing the property. She further explained that by purchasing this property, which currently has a home occupation in it, allows them to use it for residential purposes and also allows her to work from home. She noted that she was agreeing with the staff comments.



Committee member R. Funnell questioned whether the naturopathic office will be the sole home occupation in the dwelling.

Ms. R. Fraser replied that she will be the sole doctor and she does not have any employees.

Ms. J. Rego commented that the dwelling is currently being used as a residential dwelling with a home occupation. She noted that once the property is sold, their spa business will no longer operate from the dwelling.

Planner T. Spears commented that she noticed during a site visit that there was a sign on the property advertising the spa. She informed that a sign advertising a home occupation is not permitted in the sign by-law and zoning staff are following up on the matter.

Chair D. Kelly asked if the applicant is aware that signage for a home occupation is not permitted.

Ms. R. Fraser replied that she is aware of the regulation.

Committee member L. McNair commented that the condition proposed by staff should read: "That the sole home occupation..."

The Committee agreed to amend the recommendation to mention sole home occupation.

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. McNair and seconded by C. Downer,

"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 4.19.4 (iii) of Zoning By-law (1995)-14864, as amended, for 72 Arnold Street, to permit a medical office (naturopathic doctor) as a home occupation on the second floor of the dwelling when the By-law does not permit a medical office as a home occupation, be approved subject to the following condition:

1. That the sole home occupation be limited to one (1) naturopathic doctor with no employees."

Carried

**Application:** A-2/13

**Owner:** Nikan Inc., Fazl Ashkar

**Agent:** Carly Donovan and Merrick Taylor-Scott

**Location:** 28 Essex Street

**In Attendance:** Merrick Taylor-Scott  
Carly Donovan  
Mandana Amiri  
Fazl Ashkar  
John Farley  
Dominic Carere

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. M. Taylor-Scott replied that the sign was posted and the staff comments were received. He explained that there is an assumption that they are creating a gym but what they are proposing is an extension to their existing one on one training studio. He explained that the unit is a good fit for their business and includes easy access for their customers. He commented that several Guelph businesses have adjusted to lack of parking in the downtown area and that the City has tried their best to create more parking.

Committee member B. Birdsell questioned whether staff has reviewed the parking brief which was submitted to the Committee members at the beginning of the meeting.

Planner M. Witmer replied that a parking variance was not included in the application and therefore staff is recommending deferral. He explained that he is questioning the credibility of the parking study. He further explained that staff would normally see a professional parking study not conducted by the applicants themselves. He noted that a parking variance is required, hence the application is incomplete.

Chair D. Kelly questioned whether the applicant is interested in discussing the parking issue with staff and to defer the application.

Planner M. Witmer commented that the staff feels the proposal would be a great use for the site but more information is required. He noted for the Committee's information that there are also two residential units and a second commercial unit on the property and these factors have to be weighed in especially when reviewing the parking.

Mr. M. Taylor-Scott replied that he is agreeing with a deferral but questioned whether the property owner has to re-apply and pay application fees again.

The Secretary-Treasurer advised that a payment of the deferral fee is required and the application needs to be amended to include a parking variance.

Mr. F. Ashkar, owner of the property commented that the City seems to be happy that the property will once again be occupied by a business.

Chair D. Kelly explained that the staff needs more information regarding parking and advised the owner that it would be beneficial for him to defer the application so that any concerns can be properly addressed.

Mr. F. Ashkar replied that the parking situation on the property has not changed for the 11000 square foot building.

Moved by L. McNair and seconded by B. Birdsell,

“THAT Application A-2/13 for Nikan Inc. at 28 Essex Street, be deferred sinedie, to allow the applicant to re-submit the application to include a parking variance and to allow staff time to evaluate the parking deficiency and in accordance with the Committee’s policy on applications deferred sinedie, that the applications 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.”

Carried

**Application:** A-6/13  
**Owner:** Carol McCluskey  
**Agent:** n/a  
**Location:** 103 Lynch Circle  
**In Attendance:** Carol McCluskey

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. C. McCluskey replied that the sign was posted and the staff comments were received. She explained that she previously applied for a larger driveway to allow for three parking spaces and explained that the current application is to allow two parking spaces instead. She also explained that she does not need more than two parking spaces. She further explained that her basement was fully finished in 2006 with a kitchen and washroom and at the time, the By-law

required only two parking spaces for a dwelling with an accessory apartment. She commented that the property's landscaping is consistent with the neighbourhood where everyone has widened their driveways similar to hers. She also commented that she feels the City has a parking problem and people in her neighbourhood have not widened their driveways to accommodate accessory apartments but to simply provide more parking for themselves. She explained that if she does not park on the walkway, which is attached to her driveway, it is considered to be part of the green space. She referred to the City's Official Plan and emphasized that the Official Plan is in place as a guideline only. She also referred to the City's Shared Rental Housing Review conducted in 2005, which contained information regarding the necessity for increasing the parking requirement. She referred to Planning staff comments regarding the general intent of the By-law and she feels the statement regarding snow removal is incorrect due to the fact that people are not allowed to park on the City streets between November and May. She noted that the character of the neighbourhood is not disrupted but is being consistent with all the other properties, which contain wide driveways, referring to pictures she distributed to the Committee members for review. She explained that she is trying to legalize the apartment, which was recommended by the City Zoning Inspector.

Committee member L. McNair questioned if the application is to allow for the registration of the accessory apartment and if the owner is going to reside in the residence.

Ms. C. McCluskey replied that her intention is to live in the dwelling always.

Planner M. Witmer advised, referring to pictures showed by the applicant of the neighbourhoods widened driveways, that the applicant has previously been informed to contact the City with any concerns regarding driveway widths in order for the By-law officers to follow-up. He also advised that the house builder had a building permit for finishing the basement but the rooms labelled as hobby rooms were not to be used for human habitation. He explained that the renovations were completed without a building permit and approvals for an accessory apartment had not been applied for.

Committee member C. Downer questioned staff of the rules regarding walkways beside driveways and if the City staff proactively monitors these types of driveways.

Planner M. Witmer replied that if the walkway is being used for parking, it becomes part of the driveway, otherwise it is considered to be part of landscaping. He explained that the City is currently pro-actively monitoring the driveway issues and the number of minor variance applications for driveway widening has increased.

Committee member L. McNair questioned the applicant whether the hobby rooms had any closets at the time when the builder constructed them.

Ms. C. McCluskey replied that there were no closets. She commented that she did not detect any handwritten notes regarding the hobby rooms.

Planner M. Witmer explained that the City Plans Examiners would review the entire application for a building permit and make notations on issues, which needed to be addressed. He further explained that the builder would have received a copy of the permit with the notations.

Ms. McCluskey finalized her presentation by repeating that the house was built in 2006, which is when the parking regulation changed and that she does not need two parking spaces. She noted that the only reason the hobby rooms could not be used as bedrooms is due to the size of the windows. She commented that her intent with the pictures which showed neighbours driveways was to indicate that her property fits in the neighbourhood and does not stand out in any way.

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. McNair and seconded by B. Birdsell,

“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 and Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 103 Lynch Circle,

- a) to permit an 87.1 square metre two bedroom accessory apartment in the basement when the By-law requires that the accessory apartment shall not exceed 45% of the total floor area of the building and shall not exceed 80 square metres in floor area, whichever is less, and
- b) to permit two off-street parking spaces when the By-law requires minimum three off-street parking spaces in total,

be approved, subject to the following conditions:

1. That the accessory apartment be brought up to compliance with code requirements within six months of the date of the decision.
2. That the Owner enters into an Agreement, satisfactory to the City Solicitor, registered on title for the property, which requires that the accessory apartment be removed and restored to finishes for the main dwelling unit, prior to the transfer of title to a subsequent owner.”

Motion did not carry.

Committee member C. Downer commented that zoning regulations are for the use of land, not for the convenience of current property owners.

Chair D. Kelly commented that the variances do not meet the intent of the Zoning By-law and are not minor in nature.

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 R. Funnell and seconded by C. Downer,

“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 and Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended, for 103 Lynch Circle,

- a) to permit an 87.1 square metre two bedroom accessory apartment in the basement when the By-law requires that the accessory apartment shall not exceed 45% of the total floor area of the building and shall not exceed 80 square metres in floor area, whichever is less, and
- b) to permit two off-street parking spaces when the By-law requires minimum three off-street parking spaces in total,

be refused.

Reason for refusal being:

1. The variances are not considered to be minor in nature.”

Carried.

**Application:** A-7/13

**Owner:** Thao Hua and Chickien Nguyen

**Agent:** n/a

**Location:** 30 Sidney Crescent

**In Attendance:** Jane Martin  
Mark Hendry  
Thao Hua

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Hua replied that the sign was posted and the staff comments were received. He explained that they purchased the five bedroom dwelling four years ago. He further explained that they need a variance from the separation distance to be able to rent five units. He commented that quite often they receive rental inquiries from student groups versus individual tenants. He noted that the property can accommodate three parking spaces and is located close to the university and a grocery store which is convenient for the students.

Ms. J. Martin, a property owner at Rodgers Road, explained that when she purchased her home, she had the expectation of living in a residential neighbourhood. She commented that she used the City of Guelph public search online to find several complaints and applications for lodging houses around her neighbourhood. She further commented on problems with parties around the rental dwellings and how a separation distance should be maintained to maintain a minimum quality of life for the non-rental dwellings.

Mr. M. Hendry, a resident at Rodgers Rd, commented that in the last 20 years the neighbourhood has gone from residential to an ill kept party zone. He further commented that the de-stabilization of the neighbourhood needs to end. He pleaded the Committee to not award greed and to deny the application.

Committee member L. McNair commented that if the dwelling had an accessory apartment instead, there would be no issue with the separation distance. He further commented that the parking regulation is the same for accessory apartment as it is for a five bedroom lodging house.

Planner T. Spears commented that she has not focused on the regulations for an accessory apartment but specifically on the regulations for a lodging house. She concurred that three parking spaces are also required for an accessory apartment.

Chair D. Kelly commented that the application is dealing with density and not with a parking issue.

Planner M. Witmer commented that there are rules and processes in place for converting a dwelling to include an accessory apartment which would have to be adhered to.

Committee member R. Funnell questioned whether the other lodging house which is within the 100 metre distance has been approved as a lodging house.

Planner M. Witmer replied that this is correct.

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 C. Downer and seconded by L. McNair,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.25 Row 3 of Zoning By-law (1995)-14864, as amended, for 30 Sidney Crescent, to permit a five bedroom lodging house in a single detached dwelling within 39 metres of an existing lodging house located at 40 Sidney Crescent, be refused.

Reasons for refusal:

1. The variance requested is not minor in nature,
2. The purpose for the separation distance is to have regard to the de-stabilization of the neighbourhood which has become a concern for the City, and
3. The variance requested does not meet the intent of the By-law.”

Carried

**Application:** A-4/13  
**Owner:** Wei Ji and Chong Lu Liang  
**Agent:** n/a  
**Location:** 692 Scottsdale Drive  
**In Attendance:** Wei Ji  
Chong Lu Liang  
Jennifer Liang

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. J. Liang, daughter of the owners, replied that the sign was posted and the staff comments were received. She explained that the five bedroom dwelling was purchased in 2006. She further explained that it was discovered that her father must certify the lodging house use when he applied for a building permit to install bigger windows. She commented that the driveway has now been widened to accommodate the required parking and the property is maintained really well. She noted that there is no effect on the neighbourhood by widening the driveway. She also noted that their intent is to rent to university students.



Mr. P. Harris, property owner at 28 Sidney Crescent, questioned what the difference is with renting to five students versus renting five bedrooms.

Planner M. Witmer explained that based on the Human Rights codes, it cannot be regulated who lives in a residence and housing is a basic right. He further explained that a lodging house is considered to consist of five bedrooms being rented where the kitchen and bathrooms are shared.

Mr. P. Harris commented that there seems to be no difference if one wall is removed to create a separation with a curtain; this will now be considered as one unit instead of two.

Committee member C. Downer encouraged Mr. Harris to follow the shared rental housing information on the City's website. She continued by commenting that there will be more information coming up in February which explains how there are constraints coming from the Human Rights codes.

Committee member L. McNair questioned where the separation distance of 91 metres was measured from.

Planner T. Spears replied that it was measured from the closest points of the property lines.

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 R. Funnell and seconded by C. Downer,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.25 Row 3 of Zoning By-law (1995)-14864, as amended, to permit a five bedroom lodging house in a single detached dwelling within 91 metres of an existing lodging house located at 116 Cole Road, be refused.

Reasons for refusal:

1. The variance is not minor in nature, and
2. the variance does not maintain the general intent of the Zoning By-law."

Carried

**Application:** A-5/13

**Owner:** Vanco and Svetlana Stojanovski

**Agent:** n/a

**Location:** 41 Reid Court

**In Attendance:** Svetlana Stojanovski  
Aneta Stojanovski

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. A. Stojanovski, daughter of the owners, replied that the sign was posted and the staff comments were received. She explained that the driveway occupies 66% of the front yard which was measured by a surveying company. She further explained that the dwelling was built in the 1980's and the driveway has not been modified since then. She commented that the driveway is located next to a pathway leading to a school and the landscaped area in the front yard is well maintained. She commented that the by-laws changed for lodging houses in 2008 or 2009 which is when her parents installed fire doors and smoke alarms. She continued by commenting that after this the regulation of renting to maximum four people came into effect. She explained that their properties have never been rented out as per unit but as per the house. She further explained that they prefer to rent the house to a family instead of individual persons and do not wish to change the house. She commented that the separation rule is an issue but she feels the issue is not with the students but with behaviour and absentee landlords. She noted that her parents visit the property every month and leases are always signed in order to keep any damage to the property under control. She further noted that there has only been one official police report made against the house due to a complaint.

Committee member C. Downer questioned whether the applicant understands they still have to go through the lodging house certification process with the City.

Ms. A. Stojanovski replied that they do understand that.

Committee member L. McNair commented that the other existing lodging house is located at 744 Scottsdale Drive which is across publicly owned lands. He continued by commenting, that in his opinion, there is a difference with this separation distance.

Planner T. Spears commented that the staff comments remain the same.

Committee member B. Birdsell questioned if the City pathway has reduced the frontage of this property in relation to the other dwellings, whether this is a non-conforming issue with a reduced frontage.

Planner T. Spears replied that staff has to review the application under the regulations for the zone. She continued by explaining that the pathway is not part of the property in question.

Committee member L. McNair questioned whether they could eliminate a portion of the driveway and comply with the 56% regulation.

Ms. A. Stojanovski replied that a planner they consulted indicated that the driveway could not be cut out and still lead properly into the garage.

Mr. M. Lafontaine, a property owner on Reid Court, commented that he has no issue with the variance for the rooming house. He further commented that most of the properties on the street have 30 foot frontages. He explained that most students drive cars and the more students you accommodate; parking becomes the bigger issue.

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 C. Downer and seconded by R. Funnell,

“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 12 and Table 4.25 Row 3 of Zoning By-law (1995)-14864, as amended, for 41 Reid Court,

- a) to permit a five bedroom lodging house within 89 metres of an existing lodging house located at 744 Scottsdale Drive, and
- b) to permit the existing driveway to occupy 66% of the front yard when the By-law requires that the driveway shall not exceed more than 56% of the front yard, be refused.

Reasons for refusal:

1. The variances are not minor in nature.
2. The variances do not meet the intent of the Zoning By-law.
3. The situation is not exceptional but deals with density; four rental units could be accommodated.”

Carried

Chair D. Kelly advised the applicant to speak to staff regarding next steps and any concerns.

January 15, 2013 C of A Minutes

The meeting adjourned at 7:40 p.m.

D. Kelly  
Chair

Kim Fairfull, ACST  
Secretary-Treasurer

Minna Bunnett, ACST(A)  
Assistant Secretary-Treasurer

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday February 12, 2013 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell  
J. Hillen  
B. Birdsell  
C. Downer  
L. McNair  
D. Kelly, Chair

Regrets: A. Diamond

Staff Present: M. Witmer, Planner  
T. Spears, Planner  
K. Fairfull, Secretary-Treasurer  
M. Bunnett, Assistant Secretary-Treasurer

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Meeting Minutes

Moved by L. McNair and seconded by C. Downer,

“THAT the Minutes from the January 15, 2013 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### **Election of Vice-Chair for 2013**

The Chair was handed over to the Secretary-Treasurer during elections.

The Secretary-Treasurer asked if there were any nominations from the floor for Vice-Chair of the Committee of Adjustment for 2013.

Committee member L. McNair nominated J. Hillen for the position of Vice-Chair for 2013.

February 12, 2013 C of A Minutes

J. Hillen thanked the Committee for the nomination, however he could not accept the nomination at this time.

Chair D. Kelly nominated R. Funnell for the position of Vice-Chair for 2013.

R. Funnell accepted the nomination.

There were no further nominations from the floor.

R. Funnell was acclaimed as Vice Chair of the Committee of Adjustment for 2013.

### Other Business

The Secretary-Treasurer advised that an Ontario Municipal Board hearing has been scheduled for Application A-119/12 at 402 Starwood Drive. The appeal will be heard on Thursday, March 7, 2013 at 10:00 a.m. at meeting room 112 at City Hall. The application was for an off-street parking variance at 402 Starwood Drive and was refused by the Committee.

The Secretary-Treasurer advised that three appeals were received from the January 15, 2013 meeting. She advised an appeal was received against the refusal of the off-street parking and accessory apartment size variances, being application A-6/13 at 103 Lynch Circle; for Application A-4/13 being refusal of the separation distance variance for a lodging house located at 682 Scottsdale Drive and Application A-5/13 being refusal of the separation distance variance for a lodging house located at 41 Reid Court. She advised all the files have been forwarded to the Ontario Municipal Board.

**Application: B-6/13, A-13/13 and A-14/13**

**Owner: Vincent Goobie**

**Agent: Black, Shoemaker, Robinson & Donaldson; Brian Beatty**

**Location: 34 Roland Street, 297 Bristol Street**

**In Attendance: Vincent Gobbi**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Goodie replied the notice sign was posted and comments were received from staff. He was very satisfied with the staff recommendations and has no objections.

Application B-6/13

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 R. Funnell and seconded by L. McNair,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 36 and 37, Registered Plan 34, municipally known as 297 Bristol Street, a parcel with a frontage along Roland Street of 19.391 metres and a depth along Bristol Street of 27.306 metres, be approved, subject to the following conditions:

1. That prior to endorsement of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying any conveyances.
2. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to February 15, 2014.
3. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
4. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
5. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk.”

Carried

Application A-13/13

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 R. Funnell and seconded by L. McNair,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 - Row 8 of Zoning By-law (1995)-14864, as amended, for 297 Bristol Street, to permit the existing dwelling to have a rear yard of 0.87 metres when the By-law requires that a minimum rear yard equal to 20% of the lot depth or 7.5 metres (whichever is less) be provided which in this case is 5.46 metres, be approved, subject to the following condition:

1. That the conditions imposed for Application B-6/13 be and form part of this approval.”

Carried

Application A-14/13

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 R. Funnell and seconded by L. McNair,

“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 3 of Zoning By-law (1995)-14864, as amended, for 32 Roland Street, to permit a lot frontage of 14.326 metres and a lot area of 393.81 square metres when the By-law requires that a minimum lot frontage of 15 metres and a minimum lot area of 460 square metres is provided, be approved, subject to the following condition:

1. That the conditions imposed for Application B-5/13 be and form part of this approval.”

Carried



**Application:** A-15/13

**Owner:** Guelph Grangehill Developments Ltd.

**Agent:** Black, Shoemaker, Robinson & Donaldson; Bruce Donaldson

**Location:** 219 Summit Ridge Drive

**In Attendance:** Bruce Donaldson

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Donaldson replied the notice sign was posted and comments were received from staff. He explained his client is a builder and wants to establish a sales office in the garage for a period of five years. He noted they plan to convert the area back to a garage parking space within 5 years.

Planner M. Witmer expressed concern with respect to the recommended condition from Engineering Services. He noted the condition is worded that the garage must be converted back to a parking space prior to transfer to a subsequent owner. He noted the developer currently owns the property and the lands will be sold to the builder, triggering the condition.

The Committee discussed this concern and suggested the portion of the condition dealing with the transfer be removed requiring the parking space be restored in five years.

Mr. Donaldson was satisfied with this change.

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 B. Birdsell and seconded by J. Hillen,

“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 5.1.1 and 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 219 Summit Ridge Drive, to permit a model homes / sales office on the property with the sales office occupying the required off-street parking space when the By-law requires that residential units only be permitted on the subject property and that the off-street parking space be located a minimum of 6 metres from the street property line and to the rear of the main front wall of the building, be approved, subject to the following condition:

1. That the owner enters into a Site Plan Agreement registered on the title of the property prior to the issuance of a building permit, requiring that the sales office be removed within the garage and the garage restored to accommodate a 3 metre by 6 metre parking space for the dwelling, within 5 years of the issuance of the building permit.”.

Carried

**Application:** A-9/13  
**Owner:** City of Guelph  
**Agent:** Maureen Gaskin  
**Location:** 14 Edinburgh Road South  
**In Attendance:** Maureen Gaskin  
Greg Bernardi, City of Guelph

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. Gaskin replied she wants to establish a craft shop in the building and has agreed to a five year lease with the City. She noted the building has been vacant for some time and upgrades will be completed before the shop opens.

Committee member L. McNair questioned if the applicant can demarcate 7 off-street parking spaces when the parking lot is gravel.

Ms. Gaskin noted she planned to place markers at the front of the parking spaces to identify them.

Planner M. Witmer noted they have no concern with removing the condition requiring demarcation because the parking area is gravel.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by L. McNair and seconded by B. Birdsell,

“THAT in the matter of an application under Section 45(2)(a)(ii) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to change the legal non-conforming use at 14 Edinburgh Road South from a previous use of retail store, gallery and studio specialized in stained glass to a retail establishment for the sale of craft items, be approved, subject to the following condition:

1. That the applicant develop the site in accordance with the agreed and executed lease with the City on December 24, 2012, including Schedule “C” of the Lease: List of Work Required for FADM Compliance.”

Carried

**Application:** A-17/13  
**Owner:** Fusion Homes  
**Agent:** Fusion Homes, Patrick Clarke  
**Location:** 32 Oakes Crescent  
**In Attendance:** Patrick Clarke

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Clarke replied the notice sign was posted and comments were received from staff.

Committee member L. McNair noted the driveway will require expansion to comply with the By-law. He noted a 0.6 metre landscaped strip is required along the lot line.

Mr. Clarke replied their curb cut application will be submitted with expansion towards the centre of the lot. He agreed they would maintain the required landscaped strip.

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. McNair and seconded by J. Hillen,

“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 32 Oakes Crescent, to permit an accessory apartment with an area of 90 square metres when the By-law requires that an accessory apartment shall not exceed a maximum of 80 square metres in floor area, be approved.”

Carried

**Application:** A-19/13 to A-27/13

**Owner:** Cityview Homes /Gemini Homes

**Agent:** Van Harten Surveying Inc.; Paul Magahay

**Location:** Summit Ridge Drive, Starwood Drive and Jeffrey Drive

**In Attendance:** Paul Magahay

The Secretary-Treasurer noted the agent has submitted a written request for consideration of a partial refund of the application fees.

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Magahay replied the notice sign was posted and comments were received from staff. He briefly described the applications and noted 50% lot coverage is becoming the norm for building coverage for on-street townhouses. He noted it is very difficult for builders to build an on-street town within the 40% coverage required by the By-law.

Planner M. Witmer explained the applicant has applied for site plan approval which will be considered February 20<sup>th</sup>.

Committee member R. Funnell questioned staff if any consideration has been given to amending the By-law to reflect this.

Planner M. Witmer noted staff has identified this and will be considering it in the new Zoning By-law.

Mr. Magahay noted they submitted a request to Building Services to be considered by the Housekeeping By-law and this will be placed on the agenda to be discussed by that team.

Committee member L. McNair expressed concerns about the distance between the street and the rights-of-way along the rear property lines.

Mr. Magahay noted this is a concern of the individual homeowners who have the right to construct a fence to the rear right-of-way however they must keep the rear yard open for access to the right-of-way.

Application A-19/13

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 C. Downer and seconded by J. Hillen,

“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 5.3.2 Rows 5a and 8 of Zoning By-law (1995)-14864, as amended, for 172 Summit Ridge Drive,

- a) to permit an exterior side yard of 4.09 metres when the By-law requires a minimum exterior side yard of 4.5 metres, and
- b) to permit a building coverage equal to 50% of the lot area when the By-law permits a maximum building coverage of 40% of the lot area, be approved.”

Carried

Application A-20/13

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 C. Downer and seconded by J. Hillen,

“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 5.3.2 Row 8 of Zoning By-law (1995)-14864, as amended, for 186 Summit Ridge Drive, to permit a building coverage equal to 50% of the lot area when the By-law permits a maximum building coverage of 40% of the lot area, be approved.”

Carried

Application A-21/13

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 C. Downer and seconded by J. Hillen,

“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 5.3.2 Row 8 of Zoning By-law (1995)-14864, as amended, for 198 Summit Ridge Drive, to permit a building coverage equal to 50% of the lot area when the By-law permits a maximum building coverage of 40% of the lot area, be approved.”

Carried

Application A-22/13

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 C. Downer and seconded by J. Hillen,

“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 5.3.2 Row 8 of Zoning By-law (1995)-14864, as amended, for 210 Summit Ridge Drive, to permit a building coverage equal to 50% of the lot area when the By-law permits a maximum building coverage of 40% of the lot area, be approved.”

Carried

Application A-23/13

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 C. Downer and seconded by J. Hillen,

“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 5.3.2 Row 8 of Zoning By-law (1995)-14864, as amended, for 465 Starwood Drive, to permit a building coverage equal to 50% of the lot area when the By-law permits a maximum building coverage of 40% of the lot area, be approved.”

Carried

Application A-24/13

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 C. Downer and seconded by J. Hillen,

“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 5.3.2 Row 8 of Zoning By-law (1995)-14864, as amended, for 14 Jeffrey Drive, to permit a building coverage equal to 50% of the lot area when the By-law permits a maximum building coverage of 40% of the lot area, be approved.”

Carried

Application A-25/13

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 C. Downer and seconded by J. Hillen,

“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 5.3.2 Row 8 of Zoning By-law (1995)-14864, as amended, for 26 Jeffrey Drive, to permit a building coverage equal to 50% of the lot area when the By-law permits a maximum building coverage of 40% of the lot area, approved.”

Carried

Application A-26/13

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 C. Downer and seconded by J. Hillen,

“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 5.3.2 Row 8 of Zoning By-law (1995)-14864, as amended, for 40 Jeffrey Drive, to permit a building coverage equal to 50% of the lot area when the By-law permits a maximum building coverage of 40% of the lot area, approved.”

Carried

Application A-27/13

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 C. Downer and seconded by J. Hillen,

“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 5.3.2 Rows 5a and 8 of Zoning By-law (1995)-14864, as amended, for 56 Jeffrey Drive,

- a) to permit an exterior side yard of 4.09 metres when the By-law requires a minimum exterior side yard of 4.5 metres, and
- b) to permit a building coverage equal to 50% of the lot area when the By-law permits a maximum building coverage of 40% of the lot area,

be approved.”

Carried



Consideration of Partial Refund of the Application Fee

Moved by L. McNair and seconded by R. Funnell,

“THAT the Secretary refund ½ of the application fees for Applications A-19/13 to A-27/13 on Summit Ridge Drive, Starwood Drive and Jeffrey Drive, with a \$\$1,762.50 being refunded to Gemini Homes and \$1,410.00 being refunded to Cityview Homes.”

Carried.

**Application:** B-7/13 and A-16/13  
**Owner:** 845081 Ontario Inc.  
**Agent:** Van Harten Surveying Inc.; Jeff Buisman  
**Location:** 590 York Road  
**In Attendance:** John Mason  
John Valeriotte  
Jeff Buisman  
Bob Goodliffe

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Buisman replied the notice signs were posted and comments were received from staff. He explained Bob's Towing owns 29 Wells Street which has been operating there since 1984. The purpose of the application is to convey a parcel from the rear of 590 York Road, as a lot addition to 29 Wells Street. He noted they have used this parcel for storage since 1984 and want to take ownership of the lands. He explained an identical application was before the Committee in 2002 and was not finalized. He did a presentation to the Committee and argued a rezoning and official plan amendment was not necessary and the use could be considered by a minor variance application. He further argued the road widening dedication and site plan approval were not necessary.

John Valeriotte explained he has done some research and has found the Committee decision that occurred in 2007 which allowed for storage as a permitted use. He advised they do not want to use the property as a wrecking yard and no vehicles will be stacked and no parts stored. He noted the parking of vehicles would be for short term until the vehicle owner reclaimed it. He noted the owner would have no objection to restricting the use of the storage area.

February 12, 2013 C of A Minutes

Mike Witmer explained Planning staff's opinion of the applications and provided explanation why an Official Plan and Zoning By-law amendments were necessary.

Committee member B. Birdsell questioned if the vehicles being stored were licensed and plated.

John Valeriote replied all vehicles will plated with current licences.

Committee member J. Hillen questioned if staff want to see service commercial uses along York Road in a hypothetical straight line.

Planner M. Witmer replied the Official Plan has identified Service Commercial uses to one side of the road only at this time until the Guelph Innovation District uses have been approved.

Committee member C. Downer questioned if the property at 29 Wells Street would have split zoning if the lot addition was approved with the use variance only.

Planner M. Witmer noted staff is recommending a zoning amendment and an official plan amendment as conditions of approval of the consent.

Committee member B. Birdsell requested the applicant speak to the request for the use variance.

John Valeriote explained they want to avoid an Official Plan amendment and Zoning By-law amendment as they have an approved minor variance decision permitting storage on the property. He noted if the use is to be clearly defined to permit licensed vehicles only they would have no concern.

The Committee discussed the requirement for an Official Plan amendment and Zoning By-law amendment in addition to the requirement for full site plan approval.

It was noted the owner of 29 Wells Street received site plan approval recently for a garage addition to the property as staff wanted to review the grading and drainage in addition to landscaping and screening of the business.

#### Application B-7/13

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 C. Downer and seconded by B. Birdsell,

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 1, Concession 3, Division 'C', 590 York Road, a parcel with a frontage along Wells Street of 18.3 metres and a depth of 33.53 metres, as a lot addition to 29 Wells Street, be approved, subject to the following conditions:

1. That the proposed severed parcel of land be conveyed to the abutting owner as a lot addition only (Form 3 Certificate).

2. That the following covenant is incorporated in the deed:-

"The conveyance of (Severed Lands - legal description - Lot and Plan), City of Guelph, County of Wellington, designated as (Part and 61R-Plan Number) as a lot addition only to (Legal Description of Lands to be joined with - Lot and Plan), and shall not be conveyed as a separate parcel from (Legal Description of Lands to be joined with - Lot and Plan)."

3. That the owner deeds to the City free of all encumbrances a 5.182-metre (17.0-foot) wide parcel of land for a road widening across the entire frontage of number 590 York Road as shown in red on the applicants site plan, prior to endorsation of the deeds.

4. That prior to endorsation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the severed parcel and the proposed road widening.

5. The owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, screening and grading and drainage on the said lands to the satisfaction of the General Manager of Planning and Building and the General Manager/City Engineer, prior to the use of the site for the storage of cars associated with 29 Wells Street. Furthermore, the owner shall develop the property in accordance with the approved site plan.

6. That prior to endorsation of the deeds, the owner removes and/or relocates the existing chain link fence and gate on the Wells Street right-of-way to the property line; or if the owner wishes to keep the existing chain link fence and gate in its present location, we request that the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of the existing chain link fence and gate on the Wells Street right-of-way.

7. That prior to endorsation of the deeds, the owner removes and/or relocates the existing freestanding sign from the York Road right-of-way; or if the owner wishes to keep the existing freestanding sign in its present location, we request that the owner applies to the City Solicitor for an encroachment agreement and obtains approval

for the encroachment of the existing freestanding sign on the York Road right-of-way.

8. That storage be restricted to disabled or impounded vehicles or mobile equipment stored temporarily until reclaimed but cannot include a vehicle salvage yard or wrecking establishment.
9. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to February 15, 2014.
10. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
11. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
12. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

Application A-16/13

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 C. Downer and seconded by B. Birdsell,

"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 6.4.3.2.10.1 of Zoning By-law (1995)-14864, as amended, for 29 Wells Street, to permit the parking of

cars associated with a tow truck business (impounded cars and accident vehicles awaiting review by the insurance companies), be approved

Subject to the following condition:

1. That the conditions imposed for Application B-7/13 be and form part of this approval.”

Carried.

**Application:** A-2/13

**Owner:** Nikan Inc.; Fazl Ashkar

**Agent:** Carly Donovan and Merrick Taylor-Scott

**Location:** 28 Essex Street

**In Attendance:** Fazl Ashkar  
Carly Donovan  
Merrick Taylor-Scott  
John Farley  
Ian Panabaker  
Lyndon Stewart

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. M. Taylor-Scott replied that the sign was posted and the staff comments were received. He explained that there is a void in the downtown area of the type of service they are intending to bring in. He further explained that the building is within the downtown redevelopment project area and they would like to improve the existing building appearance.

Committee member R. Funnell questioned whether the applicant has made any attempts to secure parking spaces on some of the adjacent properties.

Mr. M. Taylor-Scott replied that they have had initial conversations with some property owners but have not had any response yet. He commented that other businesses are lacking in parking in the area as well and at this point they will not know the outcome of their inquiries.

Planner M. Witmer summarized Planning Services staff comments. He explained that staff is supportive of the application and they have worked with the applicant to solve the parking issue. He further explained that the parking is calculated from the classroom floor space only.

Committee member J. Hillen questioned if this deferred application was presented at the last meeting and if he is able to vote.

Chair D. Kelly replied that the application was presented and committee member J. Hillen was not present at the meeting. Therefore committee member J. Hillen is not able to vote on this application.

Mr. L. Stewart, a property owner in the vicinity, commented that if the parking calculation is based on the classroom area only, is there a chance that the business will turn into a large scale fitness centre later. He continued by commenting that the building is quite large.

Mr. M. Taylor-Scott replied the business they are proposing to establish is an alternative to big box fitness studios and they would not be in competition with them. He explained that they would only have two to three trainers or clients at the premises at the same time. He commented that they would never have more than six to eight people at the premises at the same time.

Mr. F. Ashkar, the owner of the property, explained that regardless of what type of a business is operating from the premises, the parking issue will always be there. He further explained that he is trying to accommodate a business which requires minimum off-street parking.

Ms. C. Donovan commented that the area which is not designated as part of the classroom area will consist of the reception area, bathroom area and personal training area. She explained that they will make everything barrier free which will also take up some of the free area.

Committee member L. McNair questioned whether the three employees mentioned in the conditions would include a receptionist or other trainers.

Ms. C. Donovan replied that they would be included in the three.

Committee member L. McNair questioned if the three employees would include the owners of the business.

Planner M. Witmer replied that there is no definition in the Zoning By-law for an employee.

Mr. M. Taylor-Scott commented that once the business is first opened in the morning, there might only be one person along with another person teaching a class. He continued by commenting that the two business owners might be there doing office work at the same time. He explained that he cannot anticipate more than four people working there at the same time but if they have to limit this number to three, they will follow that rule.

Ms. C. Donovan commented that at some point, they might have to hire an additional trainer but they will not all be there at the same time.

Chair D. Kelly questioned if the applicant understands the conditions clearly.

Ms. C. Donovan replied that they do understand the conditions.

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 Sections 45(2) 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 R. Funnell and seconded by C. Downer,

“THAT in the matter of an application under Sections 45(2)(a)(ii) and 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to change the legal non-conforming use at 28 Essex Street from a vehicle service shop, print shop, art studio and office to a commercial school (specialized fitness classes and personal training) and to permit eight (8) off-street parking spaces when the Zoning By-law (1995)-14864, as amended, requires a total of 10 off-street parking spaces (which includes two off-street parking spaces for two residential units), be approved,

subject to the following conditions:

1. That the applicant erect and maintain adequate signage over two (2) of the off-street parking spaces indicating that the spaces are reserved at all times for the exclusive use of the residential apartments, and provide evidence that the signs have been installed to the satisfaction of the General Manager of Planning Services, prior to the issuance of any building permit.
2. That the applicant demarcate the eight (8) off-street parking spaces as indicated on the parking/site plan submitted with Application A-3/13, prior to the issuance of any building permit.
3. That the Commercial School not have more than three (3) employees at any given time on the premises.”

Carried

**Application:** A-11/13

**Owner:** George and Samuel Galineas

**Agent:** Joe and Jordan Addeo

**Location:** 1027 Gordon Street

**In Attendance:** John Mason  
George Galineas  
Jordan Addeo  
Joe Addeo  
Colleen O'Sullivan

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Joe Addeo replied that the sign was posted and the staff comments were received. He had no further comments regarding his application.

Mr. J. Mason apologized to the committee members that his letter was received late. He explained that Mason Real Estate manages the plaza next door and he is commenting on the owners' behalf. He explained that the owners have nothing against a food wagon but they feel that the plaza is not a proper place for it. He commented that the food truck should be serving the industry, recreation and residential areas where food is not readily available, for example Watson Road and York Road area. He further commented that Planning Services is making a mistake by allowing food wagons in a plaza where food is already being served. He explained that the food businesses pay a large amount of taxes and pay fees for the upkeep of their businesses. He commented that a food wagon will not contribute towards City taxes. He explained that the intent of the zoning by law is that food will be served from premises which have proper services. He questioned where clients would go to use washrooms. He summarized his comments by noting that they object to the application and is concerned that other food wagons will be established in other plazas.

Mr. Joe Addeo replied that they pay fees, insurance and taxes just like everyone else. He explained that they also have the fire department and health department doing inspections to make sure they comply with their regulations. He commented that they have backed up on the operating hours they first proposed so as not to step on anyone's toes. He also commented that the only difference with their food business is that they do not have bathrooms.

Ms. C. O'Sullivan, the manager of Rowe Farms store located at 1027 Gordon Street, explained that she is excited to see a food truck in the area. She explained that there is not a large selection of quality food in the area and would welcome a business where the plaza employees can purchase their lunch from. She further explained that competition helps everybody and anything that will bring more people to the plaza is good for the businesses. She commented that she also sells lots of produce but during the summer she welcomes the produce stand selling their products because they bring in more people to the plaza. She also commented that she does not see the food truck being negative competition towards any of the plaza businesses and everyone at Rowe Farms is supportive of the application.



Mr. G. Galineas, owner of 1027 Gordon Street, commented that he opened a restaurant in 1962 in the plaza, which at the time was the only restaurant in the area. He further commented that more people will come through the plaza with different businesses operating from there. He noted that he is in support of the proposal.

Mr. J. Mason questioned whether the food wagon will be operating at the same time as the vegetable stand.

Committee member J. Hillen advised that Planning Services condition specifically mentions that the produce tent may not operate on the property at the same time.

Planner T. Spears explained that the property is serving a large area of population. She further explained that Planning Services cannot dictate the types of competition that operate in the zone. She also advised of a modification to condition number one: "...business known as Food Man and Culture Boy apply for and receive a Business Licence from the City of Guelph prior to opening." She also advised the committee members that Planning Services has concluded the first paragraph of condition number two and the whole of condition number three are no longer necessary.

Committee member L. McNair questioned whether the first condition should have a time trigger for completion.

Planner M. Witmer replied that staff met with the City's business licensing coordinator and was advised that the by-law staff will proactively ask the business to leave the property until they have acquired a business license.

Committee member J. Hillen questioned if the enforcement of the hours of operation and parking spaces occupied will fall on the zoning inspector.

Planner T. Spears confirmed that this is correct.

Committee member B. Birdsell questioned if the truck needs five parking spaces or less.

Planner T. Spears replied that the truck itself will not take up five spaces. She explained that the applicant originally blocked off a small part of the parking lot but the plan was revised to accommodate the people possibly lining up and to allow for the manoeuvrability of the truck.

The Committee members questioned whether garbage containers will be provided.

Mr. Joe Addeo replied that they will provide three garbage cans outside of the truck. He explained that at the end of the day they will clean everything up and the garbage bags will be dropped off at the landfill.

February 12, 2013 C of A Minutes

Chair D. Kelly commented that the garbage issue has been referenced in Planning Services conditions.

Committee member L. McNair questioned if the parking calculation was completed prior to the food vending vehicle occupying some spaces.

Planner T. Spears replied that the Zoning By-law does not have parking regulations for a food truck. She commented that there is no requirement to provide several parking spaces for people stopping and picking up food and then leaving.

Planner M. Witmer commented that staff was very inspired by the regulations and specific by-laws which Hamilton and Waterloo have for food vehicles. He further commented that staff will keep monitoring food truck applications in the future and use best practises to assist them.

Committee member C. Downer questioned if the conditions proposed are specifically for this food truck; they mention "Food Man and Culture Boy".

Planner T. Spears replied that the approval would pertain only to this business specifically. She explained that if another food truck intends to replace Food Man and Culture Boy, an application for a minor variance would have to be submitted.

Committee member B. Birdsell questioned whether the truck has also a canopy.

Mr. Joe Addeo replied that the truck has a roof that pops up but they will not provide any seating. He commented that they are licensed to operate in the Hamilton area but they live in Guelph and would like operate their business in Guelph.

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 R. Funnell and seconded by J. Hillen,

"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 4.22.1 of Zoning By-law (1995)-14864, as amended, for 1027 Gordon Street, to permit an unenclosed operation (a food preparation and vending vehicle) when the By-law requires that the operations of every commercial zone use shall be conducted within an enclosed building or structure, be approved,

subject to the following conditions:

1. That the Food Preparation and Vending Vehicle owner (for the business known as Food Man and Culture Boy) apply for and receive a Business Licence from the City of Guelph prior to opening.
2. That the Food Preparation and Vending Vehicle is only permitted on the subject property at the location specified on the Site Plan approved by Planning staff.
3. That the food preparation and vending vehicle operates only during specified times (10am-3pm Monday to Saturday).
4. That the Food Preparation and Vending Vehicle does not stay on the subject property overnight.
5. That no seating and/or other amenities are to be provided for patrons of the Food Preparation and Vending Vehicle; in order to provide such amenities, the applicant would need to go through a formal Site Plan Approval process.
6. That the operator of the Food Preparation and Vending Vehicle provide waste receptacles to be placed upon arrival when the vehicle stops to sell or offer for sale refreshments, and that it be removed together with all of the waste collected in the waste receptacles and accumulated in the surrounding area upon leaving.
7. That parking signs are erected to ensure that the specified location (as per the Site Plan) is not taken up by other vehicles for the use of parking during the hours of operation for the Food Preparation and Vending Vehicle.
8. That other occasional/temporary uses or structures, such as a produce tent, may not operate on the subject property at the same time as the Food Preparation and Vending Vehicle as there is not sufficient parking on site to accommodate further uses.”

Carried

**Application:**            **A-18/13**

**Owner:**                **Alisha and Nathan Brousse**

**Agent:**                **n/a**

**Location:**            **75 Creighton Avenue**

**In Attendance:**      **Alisha and Nathan Brousse**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. N. Brousse replied that the sign was posted and the staff comments were received. He explained that Engineering Services has a concern regarding the swale and have recommended that the application be deferred to discuss the situation further. He commented that he agrees with the recommendation and asked the committee to defer the application.

The Committee had no further questions for the applicant.

Moved by L. McNair and seconded by C. Downer,

“THAT Application A-18/13 for Alisha and Nathan Brousse at 75 Creighton Avenue, be deferred sinedie, to give the applicant an opportunity to discuss the drainage situation with City staff and in accordance with the Committee’s policy on applications deferred sinedie, that the applications 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.”

Carried

**Application:** A-12/13  
**Owner:** Imad Hamzi  
**Agent:** n/a  
**Location:** 44 Truesdale Crescent  
**In Attendance:** none present

Chair D. Kelly advised the Committee Members that the applicant had not arrived yet. She questioned whether the committee members would prefer to vote on the application or to defer it.

The Committee members were in agreement to give the applicant some additional time to appear in front of the Committee and proceeded with hearing the next application.

**Application:** A-10/13  
**Owner:** Vanco and Svetlana Stojanovski

**Agent:** Ogi Panich

**Location:** 5 Mason Court

**In Attendance:** Ogi Panich  
Svetlana Stojanovski  
Aneta Stojanovski

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. O. Panich replied that the sign was posted and the staff comments were received. He explained that the dwelling has been rented to students and it adheres to the regulations of the City. He further explained that they are asking to be able to park three vehicles stacked in the driveway. He commented that the request is a minor change and does not require any infrastructural changes. He further commented that this way the residents can park on the driveway instead of on the City street. He noted that at least two other properties on the street have a similar arrangement. He explained that the variance is necessary to be able to rent to five students in total. He commented that they have been discussing their situation with the City Zoning Inspector who advised them that they are not able to certify the dwelling as a lodging house. He noted that they have applied for a building permit for creating a second unit but the permit is pending the approval of this minor variance. He explained that they rent as a cohesive group of people and would assure that the rental agreement would reflect the egress and ingress situation of vehicles in the driveway.

Planner M. Witmer advised the Committee members that staff had some technical difficulties with the preparation of staff comments and a condition has been omitted in error. He explained that Planning Services would like to add a condition to mention that the existing fence and awning be removed to accommodate for the parking.

Committee member L. McNair questioned what the reason is for the awning to come down.

Planner M. Witmer replied that a high vehicle might not be able to park under the awning and it is also for safety reasons.

Chair D. Kelly questioned the intent of the By-law for not permitting the stacking of vehicles.

Planner M. Witmer replied that the intent is to allow for a safe egress and ingress from and to the parking area.

Chair D. Kelly questioned if the property in question is particularly any safer than any other property when it comes to ingress and egress.

Planner M. Witmer replied that the By-law has a section regarding a requirement for the parking of vehicles behind the main front wall of the building. He explained that two off-street parking spaces in this case will be provided to the rear of the main front wall of the building. He continued by explaining that they have no municipal issue with the stacking of the vehicles in this case, that it is a matter of personal inconvenience for the manoeuvrability of the vehicles.

Chair D. Kelly stated that the intent of the By-law was one of safety. She questioned if there is a safety issue with the driveway being right next to the door leading to the dwelling.

Planner M. Witmer replied that several other driveways in the City have a similar layout or for example, carports are attached to the side of the dwellings.

Committee member B. Birdsell commented that the zoning regulations do not speak to the matter where the door is in relation to the parking space.

Committee member R. Funnell commented that planning staff seems to be saying that they are prepared to be more lenient since this is a local street and not an arterial road.

Planner M. Witmer replied that a previous variance refusal at Mason Court for three stacked parking spaces was appealed to the Ontario Municipal Board. He explained that the staff report, which was presented to the Council, indicated there was no municipal interest to appear at the hearing and Council agreed with the report. He noted that the Ontario Municipal Board ruled in favour of the appellant.

Committee member J. Hillen commented that he attended the hearing and the most important factor in the decision making for the chair was that Mason Court is a dead end street.

Committee member B. Birdsell questioned how tall the existing fence is, which must be removed.

Mr. O. Panich replied that the fence is 6 feet tall.

Committee member B. Birdsell commented that he does not have a problem with the canopy staying.

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 B. Birdsell and seconded by L. McNair,

“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 5 Mason Court, to permit three off-street parking spaces in a stacked arrangement when the By-law requires that only two parking spaces are permitted in a stacked arrangement, be approved,

subject to the following condition:

1. That the fence be moved back no less than 3.5 metres and the driveway extended 3.4 metres in depth to allow for the required off-street parking spaces.”

Carried

The Secretary-Treasurer advised of a request for a refund for application B-9/11 at 27 Forest Hill Drive. She noted that the application was for a change of condition. She advised that the fee paid was \$645.

A general discussion took place to determine the costs for processing the application.

Consideration of Refund of the Application Fee for Application B-9/11

Moved by C. Downer and seconded by L. McNair,

“THAT no action be taken in response to the request from the applicant for application B-9/11, being an application for change of condition at 27 Forest Hill Drive.”

Carried.

**Application:** A-12/13  
**Owner:** Imad Hamzi  
**Agent:** n/a  
**Location:** 44 Truesdale Crescent  
**In Attendance:** Imad Hamzi

Chair D. Kelly advised the Committee Members that the applicant still has not arrived. She questioned whether the Committee members were ready to vote on the application.

After a brief discussion, the Committee members agreed to defer the application to give the applicant a chance to appear before the Committee and to present the application.

Moved by L. McNair and seconded by C. Downer,

“THAT Application A-12/13 for Imad Hamzi at 44 Truesdale Crescent, be deferred sinedie, and in accordance with the Committee’s policy on applications deferred sinedie, that the applications 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.”

Carried

After the motion was made, the owner of the property arrived at the meeting. The Committee members discussed and agreed to withdraw the earlier deferral motion in order for the applicant to be able to present his application and receive a decision.

Moved by L. McNair and seconded by C. Downer,

“THAT the motion to defer the Application A-12/13 for Imad Hamzi at 44 Truesdale Crescent be withdrawn”.

Carried

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. I. Hamzi replied that the sign was posted and the staff comments were received. He apologized to the Committee members for being late. He explained that the house was built in 2006 and at the time, they had six family members living in the dwelling. He further explained that now his children have moved out and they are left with a very large house. He commented that he has been diagnosed with cancer and he does not have any income. He explained that he is intending to rent out the basement to his friends who can keep an eye on him and his wife.

There were no further questions from the Committee members.

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 B. Birdsell and seconded by R. Funnell,



February 12, 2013 C of A Minutes

“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 44 Truesdale Crescent, to permit an accessory apartment in the basement with an area of 95 square metres when the By-law requires that an accessory apartment shall not exceed a maximum of 80 square metres in floor area, be approved.”

Carried

The meeting adjourned at 7:25 p.m.

D. Kelly  
Chair

Kim Fairfull, ACST  
Secretary Treasurer

Minna Bunnett, ACST(A)  
Assistant Secretary-Treasurer

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday February 26, 2013 at 4:00 p.m. in Meeting Room B, City Hall, with the following members present:

R. Funnell – Vice-Chair  
J. Hillen  
B. Birdsell  
C. Downer  
A. Diamond  
L. McNair  
D. Kelly, Chair

Regrets: Not applicable

Staff Present: M. Witmer, Planner  
K. Fairfull, Secretary-Treasurer  
M. Bunnett, Assistant Secretary-Treasurer

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Meeting Minutes

Moved by C. Downer and seconded by R. Funnell,

“THAT the Minutes from the February 12, 2013 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

There was no other business to report.

February 26, 2013 C of A Minutes

**Application:** B-8/13

**Owner:** James and Gwendolyn Phillips

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

**Location:** 5 Ardmay Crescent

**In Attendance:** Jeff Buisman

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. J. Buisman replied that the sign was posted and the staff comments were received. He explained that the property in question has a shared right-of-way which goes over an existing driveway. He further explained that the owners of 5 Ardmay Crescent do not use this driveway because they have an existing driveway on the other side of their property. He commented that the owners of 7 Ardmay Crescent would like to establish a new straight property line. He explained that the existing easement will be extinguished.

The Committee had no questions for the applicant.

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 A. Diamond and seconded by L. McNair,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot I & J, Registered Plan 346 and Part of Lot 2, Registered Plan 281 as in Instrument MS48191, municipally known as 5 Ardmay Crescent, (Lands to be Severed on a Severance Sketch prepared by Van Harten, dated January 30, 2013, project number 21189-13) an irregular parcel with a lot frontage along Ardmay Crescent of 2.9 metres and an area of 64 square metres, as a lot addition to the abutting parcel municipally known as 7 Ardmay Crescent, be approved,

subject to the following conditions:

1. That the proposed severed parcel of land be conveyed to the abutting owner as a lot addition only (Form 3 Certificate).
2. That the following covenant is incorporated in the deed:

"The conveyance of (Severed Lands - legal description - Lot and Plan), City of Guelph, County of Wellington, designated as (Part and 61R-Plan Number) as a lot addition only to (Legal Description of Lands to be joined with - Lot and Plan), and shall not be conveyed as a separate parcel from (Legal Description of Lands to be joined with - Lot and Plan)."

3. That the existing easement registered on title over 5 and 7 Ardmay Crescent, as in Instrument Numbers RO732998 and MS48191 be fully released and removed, and the owners of 5 Ardmay Crescent as the dominant land, quit claim to Instrument Numbers RO732998 and MS48191, prior to endorsement of the deeds.
4. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to March 1, 2014.
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 endorsement of the deed.
6. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
7. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried

**Application:** B-9/13 and A-28/13

**Owner:** Yolanda Lang

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

**Location:** 87 Dublin Street South

**In Attendance:**        **Jeff Buisman**  
                                  **Nick Mostowy**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. J. Buisman replied that the signs were posted and the staff comments were received. He explained that the same application was approved in 2006 but the severance was never finalized. He further explained that the new owner has chosen to proceed with the same severance application as last time and has added no fundamental changes to the application. He noted that the severance requires a number of variances for the severed parcel. He commented that they have considered constructing the new dwelling even further back than what is proposed on the plan. He referenced to a comment received from a neighbour which suggests moving the front porch back further so as not to encroach on the City street with future stairs. He commented that he agrees the suggestion is a good one and they will keep that in mind. He explained that the property is considered to be a through lot which places the detached garage in the front yard. He further explained that Bristol Street has been changed to a one way street. He noted that he believes that by accommodating a vehicle driving in to the proposed driveway, the City tree on the boulevard can be saved.

Mr. N. Mostowy, owner of 81 Dublin Street South, questioned if the direction of the proposed driveway will be perpendicular to Bristol Street.

Mr. J. Buisman replied that the driveway will lead in a straight line to the garage.

Mr. Mostowy explained that currently he has a temporary driveway which is perpendicular to Bristol Street. He commented that having the driveway for the new severed property created the same way would assist with the future creation of his driveway.

Mr. J. Buisman replied that they will address the driveway design once the site plan is finalized.

Planner M. Witmer commented that Planning Services has requested as a condition that they will review the elevations of the future dwelling and this is where they are able to comment on the driveway as well. He explained that the application will not go to Site Plan Committee but the site plan must be approved by the General Manager of Planning Services. He noted that a city tree is located close to the future driveway and if any pruning of this tree is necessary, the applicant must contact the City arborist prior to any pruning of the tree.

Committee member L. McNair recommended adding a condition regarding the design of the driveway under Planning Services condition number three.

The Committee members agreed to add the following condition: 3 e) The location and orientation of the driveway and detached garage.

Application B-9/13

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 R. Funnell and seconded by B. Birdsell,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 212, Registered Plan 8 (Lands to be Severed on a Severance Sketch prepared by Van Harten Surveying Inc. dated January 30, 2013, project no. 20880-12), to be known as 85 Dublin Street South, a parcel with a lot frontage along Dublin Street South of 11.6 metres and an area of 440 square metres, be approved,

subject to the following conditions:

1. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage for 53.15 feet (16.2 metres), prior to endorsement of the deeds.
2. That the owner pays the sanitary sewer frontage charge of \$11.00 per foot of frontage for 53.15 feet (16.2 metres), prior to endorsement of the deeds.
3. That the owner pays to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
4. The owner applies for sanitary and water laterals including curb cuts and fills, for the proposed severed lands and pays the rate in effect at the time of application, prior to the issuance of a building permit.
5. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsement of the deeds.
6. That the owner constructs the new dwelling at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.

7. That prior to the issuance of any building permits on the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed severed lands.
8. That the owner pays the actual cost of the construction of the new driveway entrance including the required curb cut on the severed lands, with the estimated cost of the above-noted works as determined by the General Manager/City Engineer being paid, prior to endorsement of the deeds.
9. That the driveway for the proposed retained lands be located as shown on the applicants site plan.
10. That a legal off-street parking space be created on the severed lands at a minimum setback of 6-metres from the Bristol Street property line.
11. That the owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the lands, prior to endorsement of the deeds.
12. Prior to the issuance of any building permit for the lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
13. Prior to the issuance of any building permit for the lands, the owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.
14. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwelling on the severed parcel indicating:
  - a. The location and design of the new dwelling;
  - b. All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
  - c. The location of the new dwelling with a setback that is in character with the surrounding area;

- d. Grading, drainage and servicing information;
  - e. The location and orientation of the driveway and detached garage;
15. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
  16. That the elevation and design drawings for the new dwelling on the severed parcel be submitted to, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
  17. That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services.
  18. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
  19. Prior to the issuance of a building permit, the owner shall obtain approval from the GRCA and submit a copy of the permit to the City.
  20. That prior to building or endorsation of the deed, the applicant makes arrangement for the hydro servicing of the new proposed lot, satisfactory to the engineering Department of Guelph Hydro Electric Systems Inc.
  21. That prior to issuance of a building permit, a permit be obtained from Grand River Conservation Authority to ensure conformance with the technical requirements for development in the Special Policy Area.
  22. That prior to endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
  23. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of



Adjustment along with the administration fee required for endorsement, prior to March 1, 2014.

24. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
25. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
26. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

#### Application A-28/13

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 R. Funnell and seconded by B. Birdsell,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7 Row 3, Table 5.1.2 Rows 3, 4 and 6 and Section 4.5.1 of Zoning By-law (1995)-14864, as amended, for a property to be known municipally as 85 Dublin Street South,

- a) to permit a lot area of 440 square metres when the By-law requires a minimum lot area of 460 square metres,
- b) to permit a lot frontage along Dublin Street South of 11.6 metres when the By-law requires a minimum lot frontage equal to the average of the existing lot frontages within the City Block Face (and not greater than 15 metres),
- c) to permit a front yard set-back for the proposed new dwelling of 2.5 metres from the Dublin Street property line when the By-law requires the dwelling to be

constructed with a front yard set-back equal to the average of the existing setbacks within the City Block Face (2.9 metres),

- d) to permit the proposed roofed porch to be located 1 metre from the Dublin Street property line when the By-law requires that the roofed porch be setback a minimum of 2 metres from the Dublin Street property line, and
- e) to permit the proposed detached garage to be located 2.5 metres from the Bristol Street property line when the By-law requires that no accessory building be located in a required front yard and that a minimum front yard of 7.5 metres be provided (along Bristol Street) and that accessory buildings located on through lots shall have a setback the same as the nearest adjacent main building (32.9 metres), be approved,

subject to the following condition:

1. That the conditions imposed for Application B-9/13 be and form part of this approval.”

Carried.

**Application:** B-10/13 and  
B-11/13

**Owner:** Reid’s Heritage Homes Ltd.

**Agent:** Alfred Artinger

**Location:** 1 Samuel Drive and  
51 Laughland Lane

**In Attendance:** Alfred Artinger

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Artinger replied the notice signs were posted and comments were received from staff. He explained part of the subdivision approval process required noise attenuation walls along Clair Road. He explained that rather than make the homeowner responsible for the maintenance of the walls they will form part of the condominium corporation for the subdivision and be maintained by the corporation.

Application Number B-10/13

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

Moved by L. McNair and seconded by C. Downer,

“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 an easement over Part Lot 19, Registered Plan 61M-177, more particularly described as Part 1 on Reference Plan 61R-20004, 1 Samuel Drive, an easement with a width of 12.530 metres and a depth of 11.872 metres, for protection of a noise attenuation wall, be approved, subject to the following conditions:

1. That prior to endorsation of the deeds, the servient tenement 1 Samuel Drive (Lot 19, Registered Plan 61M-177), grants an 1.530-metres (5.02 feet) to approximately 1.524-metres (5.00 feet) by approximately 11.740-metres (38.52 feet) to approximately 11.872-metres (38.95 feet) for protection of the proposed noise attenuation wall over Lot 19, Registered Plan 61M-177, being Part 1 on Reference Plan 61R-20004, registered on title, in favour of the dominant tenement Westminister Woods Limited.
2. That prior to endorsation of the deeds, the owner’s solicitor certifies that the easement in favour of Westminister Woods Limited, Lot 19, Registered Plan 61M-177, being Part 1 on Reference Plan 61R-20004, has been granted and registered on title.
3. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to March 1, 2014.
4. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
5. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
6. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-

way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried

Application Number B-11/13

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

Moved by L. McNair and seconded by C. Downer,

“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 an easement over Part of Block 168, Registered Plan 61M-143, more particularly described as Part 1 on Reference Plan 61R-20005, 51 Laughland Lane, an easement, irregular in shape with a width of 1.524 metres, for protection of a noise attenuation wall, be approved, subject to the following conditions:

1. That prior to endorsonation of the deeds, the servient tenement 51 Laughland Lane (Block 168, Registered Plan 61M-143, Part 40 on Reference Plan 61R-10757), grants an 1.524-metres (5.00 feet) by approximately 21.622-metres (70.94 feet) to approximately 24.670-metres (80.94 feet) for protection of the proposed noise attenuation wall over Block 168, Registered Plan 61M-143, Part 40 on Reference Plan 61R-10757, being Part 1 on Reference Plan 61R-20005, registered on title, in favour of the dominant tenement Westminister Woods Limited.
2. That prior to endorsonation of the deeds, the owner’s solicitor certifies that the easement in favour of Westminister Woods Limited, Block 168, Registered Plan 61M-143, Part 40 on Reference Plan 61R-10757, being Part 1 on Reference Plan 61R-20005 has been granted and registered on title.
3. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to March 1, 2014.
4. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
5. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant’s solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in

the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.

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

Carried

The meeting adjourned at 4:25 p.m.

D. Kelly  
Chair

Kim Fairfull, ACST  
Secretary Treasurer

Minna Bunnett, ACST(A)  
Assistant Secretary-Treasurer

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday March 12, 2013 at 4:45 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell – Vice-Chair  
J. Hillen  
B. Birdsell until 4:56 p.m.  
C. Downer  
A. Diamond  
L. McNair  
D. Kelly, Chair

Staff Present: M. Witmer, Planner  
M. Bunnnett, Assistant Secretary-Treasurer

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Meeting Minutes

Moved by B. Birdsell and seconded by A. Diamond,

“THAT the Minutes from the February 26, 2013 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

The Assistant Secretary-Treasurer advised the Committee members that the annual Ontario Association of Committees of Adjustment and Consent Authorities conference is held in Richmond Hill from May 26, 2013 to May 29, 2013. Cathy Downer and Donna Kelly expressed interest to attend.

The Assistant Secretary-Treasurer advised that an Ontario Municipal Board hearing has been scheduled for Application A-6/13 at 103 Lynch Circle. The appeal will be heard on Monday, May 13, 2013 at 10:30 a.m. at meeting room 112 at City Hall. The application was for an off-street parking variance (two parking spaces in lieu of three required) and was refused by the Committee.

March 12, 2013 C of A Minutes

**Application:**            **A-29/13**

**Owner:**                **Zachary and Cole Jancsar**

**Agent:**                 **Zachary Jancsar**

**Location:**            **39 Briarlea Road**

**In Attendance:**       **Zachary Jancsar**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Z. Jancsar replied that the sign was posted and the staff comments were received. He explained that he has constructed a deck and stairs to the side of the dwelling. He further explained that he is requesting an off-street parking variance to be able to keep the existing deck, which accommodates exiting his dwelling. He noted that he needs a building permit for the deck which cannot be issued without the variance.

There were no further questions from the Committee.

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 B. Birdsell and seconded by L. McNair,

“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 39 Briarlea Road, to permit the off-street parking space to be located 3.94 metres behind the front wall of the dwelling, resulting in 1.56 metres of the off-street parking space being projected ahead of the main front building wall, when the By-law requires that in a R.2 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.”

Carried

Committee member B. Birdsell left the meeting at 4:56 p.m.

March 12, 2013 C of A Minutes

**Application: A-120/12**

**Owner: Brodie Limited**

**Agent: 1838075 Ontario Inc., Robert Dowd**

**Location: 919 York Road**

**In Attendance:**

<b>Robert Dowd</b>	<b>Glenna Banda</b>
<b>Jessica Wyman</b>	<b>Al Koehler</b>
<b>Lorraine Holding</b>	<b>Steve Sajkowski</b>
<b>Joan Bowland</b>	<b>Doc Calder</b>
<b>Jane Mcken</b>	<b>Janet Currie</b>
<b>Winnie Morden</b>	<b>Roy Wigfield</b>
<b>Gail Elder</b>	<b>Ken Johnson</b>
<b>Bruce McGimsie</b>	<b>Christine Clatworthy</b>
<b>Bill Smith</b>	<b>Steve Nessner</b>
<b>Doug Colby</b>	<b>Pat Monteath</b>
<b>Glenn Currie</b>	<b>Sue Koehler</b>
<b>Penny Burton</b>	<b>Ronaldo Currie</b>
<b>Rick Eller</b>	<b>Don McEwen</b>
<b>Ellen James</b>	<b>Judy Duffield</b>
<b>Bill Bainborough</b>	<b>Muriel Bainborough</b>

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. R. Dowd replied that the signs were posted and the staff comments were received. He explained that it was difficult to find a suitable location for the proposed bingo hall. He further explained that the property at 919 York Road is ideal since it has parking, a large hall and bathroom facilities available. He noted that the property is located next door to the Guelph Legion who runs a weekly bingo. He commented that approximately 40 to 50 charities would be able to attend the proposed bingo which benefits all of the charities involved. He explained that establishing the bingo hall in Guelph would create revenue for the municipality and bring employment opportunities.

Committee member A. Diamond questioned whether the applicant was able to have a discussion with the Legion members.

Mr. R. Dowd replied that he met the legion members before the November variance meeting and he re-engaged them a second time for a discussion. He explained that they were not able to come to a solution that would be satisfactory to the Legion.



March 12, 2013 C of A Minutes

Committee member A. Diamond questioned what the benefits would be for the legion to co-operate with the applicant.

Mr. R. Dowd replied that he advised the Legion members that they could run a bingo with them but the Legion had a concern about the revenue. He explained that he offered to guarantee their income if they join them and they did not agree to that. He further explained that the Legion prefers people to go through their facility once they are there for bingo. He commented that he explained the benefits they could have by joining them but they were not interested.

Mr. G. Currie explained that he is the Lottery and Seniors Chairman for the Guelph Legion and the spokesperson for this application. He commented that the Legion opposes the application. He explained that the building at 919 York Road is the old legion building which is situated right next to the new Legion building. He further explained that the Legion has been running a bingo for the last 30 years with approximately 150 to 160 people attending on a bingo night. He continued by stating that the money they get in from bingo is approximately \$35,000 to \$40,000 per year. He commented that if they have to shut down bingo, they would find it difficult to keep their doors open. He continued by summarizing programs that they would not be able to provide and quoted donation amounts that the community would lose. He explained that they are a non-profit organization which is run by volunteers. He further explained that they are objecting to the location of the proposed bingo hall being right next to them and would not have an objection if the bingo hall was being proposed elsewhere in the City.

Committee member L. McNair questioned where the \$35,000 to \$40,000 spin off revenue comes from.

Mr. G. Currie replied that they provide a dinner before bingo for 5 dollars and they also run a canteen during their bingos where people have the opportunity to purchase drinks and snacks. He explained that they are able to charge rent from the lottery portion. He noted that they need the spin off revenue to survive.

Committee member L. McNair questioned how much they profit from bingo itself or if the money is over and above the bingo revenue.

Mr. G. Currie replied that the money goes straight back into the community to different charities. He explained that once they have enough money collected, they give it back to different charities.

Committee member L. McNair questioned if the total they give to the charities is about \$65,000 to \$75,000 per year.

Mr. G. Currie replied that the amount depends on the year but sounds about right. He explained that most of the money goes towards the lottery which the Legion cannot touch. He further explained that the revenue pays for their taxes, heat, hydro and building maintenance.

March 12, 2013 C of A Minutes

Mr. R. Dowd commented that the Legion does good things for the community and their intent is not to wreck them. He explained that there are several groups which would benefit from a bingo hall.

Committee member A. Diamond questioned whether these groups are in town or would be coming from out of town and how much would go back to the community.

Mr. R. Dowd replied that most of the groups are in town. He explained that, for example, rotary clubs, gymnastic clubs, minor baseball clubs etc. can participate. He further explained that he is guessing that a quarter of a million dollars would be going back to the community. He commented that once they have the location secured, they would do a proposal to the community to indicate what kind of revenue would be possibly collected.

Committee member L. McNair questioned if there was an expectation on the capacity.

Mr. R. Dowd replied that the square footage of the hall could accommodate 400 people but a more realistic number would be 100 to 150 people.

Committee member A. Diamond questioned if he could elaborate on the matching funds which were mentioned during a discussion with the Legion.

Mr. R. Dowd replied that they indicated to the Legion that they might be able to guarantee matching the bingo funds they make currently. He explained that with the Legion making revenue with their canteen sales, they did not have much interest in the proposal. He noted that after price payout, 55% of the funds will go to the operator and the rest to the charity groups. He also noted that the operator pays for the rent, employment and that the canteen sale revenues during the bingo will be shared with the different groups.

Mr. G. Currie repeated that any lottery revenue cannot be used by the Legion. He questioned whether Mr. Dowd has already signed up groups to participate in the bingo events.

Mr. R. Dowd replied that they have not started the process yet. He explained that currently they have 30 organizations participating with more groups on the waiting list elsewhere. He further explained that he does not foresee a shortage of charities willing to participate.

Mr. G. Currie commented that during the discussion with Mr. Dowd, there were no concrete amounts offered. He also commented that there have previously been two bingo halls in the City and none of them survived. He explained that the Legion is doubtful that the proposed bingo hall will get the participation of 150 people three times a day, seven days a week. He further explained that the Legion is not in the business of making money but to survive and help the community. He commented that they are asking that the location of the bingo hall would not be right next to their building.

Mr. B. Smith, a Guelph Legion member, commented that when the Legion was trying to sell the building at 919 York Road, the City was very specific with what is permitted and what is not permitted on the property. He stated that someone wished to establish a grocery store there and that was not permitted. He questioned how a bingo hall would now be permitted.

Planner M. Witmer replied that he is familiar with the preliminary grocery store proposal but was not aware of any previous use variances on the property.

Mr. B. McGimsie, a Guelph Legion member, explained that he got the impression that the revenue amounts mentioned during the discussion with Mr. Dowd were only a stab in the dark. He further explained that Mr. Dowd seemed to think that the population of Guelph is 300,000 which might be where he was taking his revenue numbers from. He commented that, in his opinion, he is not impressed with his business plan.

Ms. P. Burton, the regional director of MS society, commented that their organization rely on donations from the Legion every year for purchasing of wheelchairs and scooters. She also commented that they are required to fill out a form and send a letter to request these funds.

Committee member L. McNair questioned if her organization would have enough people to participate in a bingo event.

Ms. P. Burton replied that they would as long as they have enough volunteers. She explained that as a non-profit organization, they might have to wait as long as 6 years to get their money back. She further explained that the Legion perhaps gives out less money to each group so that more groups can benefit.

Ms. G. Banda, with the Children's Foundation, explained that they are constantly challenged to raise funds with a small staff and they have had to turn down events because they do not have enough volunteers. She commented that the Guelph Legion as a supporter is a big benefit to them.

Ms. L. Holding, with the Guelph-Wellington Stroke Recovery Canada, commented that as a smaller organization, they would not have enough volunteers to participate in the large bingo hall events. She explained that they rely on the support they get from the Guelph Legion.

Mr. R. Dowd replied that some new rules have been introduced with bingo events where only 3 representatives are required. He noted that the calling on the floor etc. is done by paid staff.

Committee member R. Funnell commented that the Committee is making a decision based on land use planning and not competition. He continued by commenting that if the bingo hall was proposed at a different location, it would not be an issue with the Legion.

Committee member L. McNair commented that there are numerous places in town where competition is located next to one another; restaurants, car dealerships etc. He continued by

commenting that the Legion can make an agreement with Mr. Dowd and make as much money as they do today. He noted that more charities would benefit from Mr. Dowd's bingo hall since his operation would be on a larger scale.

Committee member A. Diamond commented that they are only speculating at this point and the Legion has a proven history of serving the public interest.

Committee member J. Hillen commented that the Committee is deciding on the land use and the proposed use on this land is compatible.

Committee member A. Diamond commented that the Committee also deals with minor variance issues, with local and social impacts; not only on land use issues.

Committee member C. Downer advised that she was absent when the application was heard the first time and therefore cannot vote on the decision. She commented that from a land use perspective, she does not think it is desirable to locate two operations next to each other and the use requested is major and is currently not a permitted use. She continued by commenting that she understands the issue with competition but there are other locations in the City the bingo hall could go in.

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. McNair and seconded by J. Hillen,

"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 6.4.3.1.48.1 of Zoning By-law (1995)-14864, as amended, for 919 York Road, to permit a commercial entertainment establishment (bingo hall) when the By-law permits a variety of uses but does not permit a commercial entertainment establishment in the specialized service commercial zone (SC.1-48), be approved,

subject to the following condition:

1. That the commercial entertainment establishment be limited to a licensed bingo hall only."

Motion did not carry.

Chair D. Kelly commented that, in her opinion, the proposed land use is appropriate but felt that the variance requested did not meet all of the four tests for a minor variance. She explained that as an application for a variance, what is sought is relief from a by-law under exceptional circumstances and she felt this application was not exceptional. She also commented that the Committee should also consider the social aspects.

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 A. Diamond and seconded by R. Funnell,

“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 6.4.3.1.48.1 of Zoning By-law (1995)-14864, as amended, for 919 York Road, to permit a commercial entertainment establishment (bingo hall) when the By-law permits a variety of uses but does not permit a commercial entertainment establishment in the specialized service commercial zone (SC.1-48), be refused.

Reasons for refusal being:

1. The variance sought is not desirable for the adjacent neighbour,
2. The variance would have a negative impact on the adjacent neighbour, and
3. The variance is not minor in nature.”

Carried.

**Application:** A-35/12

**Owner:** Giuseppe, Maria and Stefano Fava

**Agent:** GSP Group Inc., Hugh Handy

**Location:** 7 Crawford Street

**In Attendance:** Hugh Handy  
Steve Fava  
Cary Gates  
Christine Ley

March 12, 2013 C of A Minutes

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. H. Handy replied that the sign was posted and the staff comments were received. He explained that they have reviewed the comments and would like to ask for a deferral in order to be able to meet with the neighbourhood. He commented that the City Planning staff has offered to facilitate the meeting with the neighbours. He noted that since the request for a deferral has been requested by the City, they are asking for the deferral fee to be waived.

Chair D. Kelly questioned if the City staff is requesting the deferral.

Planner M. Witmer replied that the Planning staff feels that they can get a better resolution by meeting with the concerned neighbours. He explained that after discussing the facilitation of the meeting with the applicant, staff informed the neighbourhood about the deferral. He noted that since then, the neighbours have asked for an evening meeting for a better attendance.

Committee member C. Downer questioned why the applicant did not have the discussion with the neighbours after the last deferral one year ago.

Mr. H. Handy replied that at the time, they didn't feel there were any changes to the application they could propose. He explained that they are hoping to get beyond the anger of the neighbourhood and understand whether the issue is with the condition of the property or architectural issues with the design of the garage. He further explained that the applicant was hesitant to meet with the neighbours due to the anger expressed and is now interested to do this due to Planning staff facilitating the meeting.

Chair D. Kelly commented that the particular upset seems to be the fact that the applicant did not speak to the neighbours within the one year frame allotted.

Mr. H. Handy replied that they brought the application back within the one year time limit but Planning staff asked if they could arrive at a solution. He explained that as a planner, he would like to be able to get down to the issues of the application, whether it is related to student neighbourhood concerns or other issues.

Committee member J. Hillen questioned whether the Committee should shorten the time frame for the deferral. He noted that the time frame was not recommended as a condition.

Planner M. Witmer explained that staff has already started to plan a meeting to happen as quickly as possible. He commented that a three month time limit will not create a problem with staff.

Committee member L. McNair commented that hopefully the members of the community see this as a positive step.

March 12, 2013 C of A Minutes

Moved by R. Funnell and seconded by L. McNair,

“THAT Application A-35/12 for Giuseppe, Maria and Stefano Fava at 7 Crawford Street, be deferred for three (3) months, to allow City staff to facilitate a discussion between the applicant and the neighbourhood and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

A general discussion took place between the Committee members regarding the request for a refund of the deferral fees which is payable prior to the application being heard again.

Consideration of Refund of the Deferral Fee for Application A-35/12

Moved by L. McNair and seconded by R. Funnell,

“THAT the applicant is required to pay 50% of the deferral fee prior to reconsideration of the Application A-35/12 at 7 Crawford Street.”

Carried.

The meeting adjourned at 6:17 p.m.

D. Kelly  
Chair

Minna Bunnett, ACST(A)  
Assistant Secretary-Treasurer

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday April 9, 2013 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

J. Hillen  
C. Downer  
A. Diamond  
L. McNair  
D. Kelly, Chair

Regrets: R. Funnell – Vice-Chair  
B. Birdsell

Staff Present: M. Witmer, Planner  
K. Fairfull, Secretary-Treasurer  
M. Bunnett, Assistant Secretary-Treasurer

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Meeting Minutes

Moved by C. Downer and seconded by A. Diamond,

“THAT the Minutes from the March 12, 2013 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

The Secretary-Treasurer advised that an Ontario Municipal Board hearing has been scheduled for Application A-5/13 at 41 Reid Court. The appeal will be heard on Thursday, May 2, 2013 at 10:00 a.m. at meeting room 112, City Hall. The application was for a lodging house separation distance variance and driveway width and was refused by the Committee.

The Secretary-Treasurer advised the room has been booked for the Ontario Municipal Board hearing for 692 Scottsdale Drive, being Application A-4/13, however notice from the Ontario Municipal Board has not been received to date. She noted the hearing is scheduled for March 1, 2013 at 10:00 a.m. in Room 112, City Hall.

The Secretary-Treasurer advised that an informal neighbourhood meeting regarding Application A-35/12 for 7 Crawford Street is being facilitated by City Staff on Thursday April 11, 2013 at 7:00 p.m.



The Secretary-Treasurer advised the Ontario Municipal Board decision was received from 402 Starwood Drive. She explained the Board dismissed the appeal of the owners and refused the variance to eliminate the legal off-street parking spaces.

**Application:** B-12/13  
**Owner:** Ivan Noel  
**Agent:** n/a  
**Location:** 39 Wheeler Avenue  
**In Attendance:** Ivan Noel  
Leanne Perry

Staff advised no sign was required as the application was for a change of condition.

Mr. Noel explained he is working diligently and hopes to complete the conditions this year.

Chair D. Kelly questioned if the applicant was aware the same conditions apply.

Mr. Noel replied he was aware of the conditions recommended.

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 A. Diamond and seconded by C. Downer,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission for change of condition for Part of Lots 21 and 22, Registered Plan 337, to be known as 35 Wheeler Avenue, a parcel with a frontage of 9.42 metres (30.9 feet) along Wheeler Avenue and a depth of 26.06 metres (85.4 feet), be approved, subject to the following conditions:

1. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage for 30.90 feet (9.42 metres), prior to endorsement of the deeds.
2. That the owner pay to the City, as determined applicable by the City’s Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.

3. The owner applies for sanitary and water laterals for the proposed severed lands and pays the rate in effect at the time of application, prior to the issuance of a building permit.
4. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsonation of the deeds.
5. That the owner constructs the new dwelling at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
6. That prior to the issuance of any building permits on the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed severed lands.
7. That the owner pays the actual cost of the construction of the new driveway entrance and the required curb cut, with the estimated cost of the works as determined by the City Engineer being paid, prior to the issuance of a building permit.
8. That a legal off-street parking space be created on the severed lands at a minimum setback of 6-metres from the Wheeler Avenue property line.
9. That the owner shall pay for all the costs associated with the removal of the existing garage, a portion of the asphalt driveway and concrete pad from the lands to be severed to the satisfaction of the General Manager of Planning Services, prior to endorsonation of the deeds;
10. That the owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the lands, prior to endorsonation of the deeds.
11. That the elevation and design drawings for the new dwelling on the severed parcel be submitted to, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood; and that any proposed garage is detached and located to the rear of the dwelling or attached and recessed behind the main front wall of the dwelling.
12. That a site plan be submitted to, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwellings on the severed parcel indicating:
  - a) The location and design of the new dwelling;
  - b) That the location of the new dwelling maintains a setback that is in character with the surrounding area;
  - c) No windows are permitted in the northerly (left) side yard of the dwelling on the severed parcel without the written approval of the property owner of 19 Wheeler Avenue and
  - d) Grading, drainage and servicing information.

13. That the Owner receive a demolition permit and removes the existing detached garage prior to the endorsement of the deeds.
14. That the applicant shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsement of the deeds, at the rate in effect at the time of the endorsement.
15. Prior to the issuance of any building permit for the severed lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to the future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
16. That prior to issuance of a building permit, the applicant makes arrangement for provision of overhead or underground hydro servicing to the severed parcel, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the owner's expense.
17. That prior to endorsement of the deeds the parking area and required screening for the retained lot be developed in accordance with Zoning By-law regulations.
18. That prior to the endorsement of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
19. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to April 12, 2014.
20. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
21. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
22. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

**Application:** B-13/13  
**Owner:** Penretail Management  
**Agent:** Fogler, Rubinoff LLP; Joel Farber  
**Location:** 130 Silvercreek Parkway North  
**In Attendance:** Adam Swartz

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Swartz replied the notice sign was posted and comments were received from staff. He had no further information to add to the application.

Committee member L. McNair questioned if there is a limit to the term of a lease. He expressed concern about the unlimited length of time on the lease.

The Committee agreed the lease length should be to 2037.

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

Moved by L. McNair and seconded by J. Hillen,

“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 long term lease for Part Lot 6, Division E, Concession 1, known municipally as 130 Silvercreek Parkway North, a building for Winner’s retail store, to permit a lease for a period of 10 years (which commenced October 1, 1996) with an option to renew the term of the lease for six (6) additional terms of five (5) years each, to year 2037, be approved, subject to the following conditions:

1. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to April 12, 2014.
2. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the lease.”

Carried

The legal counsel for the next applications advised the Committee there are no regulations in the Planning Act for the length of a lease. She did note the lessee is required to pay land transfer tax after lease of 50 years but this is not a Planning Act matter.

**Application:** B-14/13, B-15/13 and B-16/13

**Owner:** Calloway Reit (Guelph) Inc.

**Agent:** Torkin Manes LLP; Stephanie Eiley

**Location:** 15-49, 1-9 and 11 Woodlawn Road West

**In Attendance:** Stephanie Eiley  
Seth Zuk

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. Eiley replied the notice sign was posted and comments from staff were received. She noted their only concern is with respect to formalizing the access with Boston Pizza. She explained the access formed part of the conditions for site plan approval for Boston Pizza and this was never completed. She questioned why these terms need to form part of their consents. She requested the Committee consider amending the condition that the access be closed if a formal agreement cannot be reached.

Planner M. Witmer explained the Official Plan has a policy that encourages adjacent properties to be interconnected along main arterial roads to encourage traffic circulation. He noted Planning staff feels it would be beneficial to both parties to have the mutual access.

Ms. Eiley requested this not be included as a condition for the consents. She noted the Official Plan is not an obligation, it is a general encouragement. She noted the condition would force them to apply for and pay the fee associated with finalizing the easement.

Planner M. Witmer explained the Walmart site was constructed first. When Boston Pizza applied for site plan approval the easement was noted as a condition of this approval. He explained the site plan was approved without the easement in place and City staff has been corresponding with Boston Pizza to finalize this.

Application B-14/13

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

Moved by L. McNair and seconded by J. Hillen,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 4 and 5, Registered Plan 169, described as Parts 1, 2, 5 and 6 on draft reference plan prepared by Van Harten Surveying Inc., being project number 19868-11, dated February 21, 2013, municipally known as 15-49 Woodlawn Road West, an irregular parcel with a lot frontage along Woodlawn Road West of 52.64 metres and an area of 3.877 hectares, subject to rights-of-ways and easements in favour of 1-9 Woodlawn Road West and 11 Woodlawn Road West, for traffic circulation, pedestrian ingress and egress, parking, utilities and municipal services, be approved, subject to the following conditions:

1. That the owner of the proposed severed parcel ‘A’ (15, 43, 45, 47 and 49 Woodlawn Road, West) with a frontage along Woodlawn Road, West of 52.64-metres (172.70 feet) shall provide the proposed severed parcel ‘B’ (1, 3, 5, 7 and 9 Woodlawn Road, West); and the proposed severed parcel ‘C’ (11 Woodlawn Road, West) mutual right-of-way and easements in perpetuity for vehicle traffic circulation, pedestrian ingress and egress, parking, utilities and municipal services. Furthermore, the right-of-way and easements are to be endorsed and registered on title, prior to endorsement of the deeds or within one (1) year of the consent, whichever occurs first.
2. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to April 12, 2014.
3. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
4. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
5. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application B-15/13

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

Moved by L. McNair and seconded by J. Hillen,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 6, Registered Plan 169, described as Parts 4 and 8 on draft reference plan prepared by Van Harten Surveying Inc., known as project number 19868-11, dated February 21, 2013, municipally known as 1-9 Woodlawn Road West, an irregular parcel with a lot frontage along Woodlawn Road West of 92.381 metres and an area of 1.894 hectares, subject to rights-of-ways and easements in favour of 15-49 Woodlawn Road West and 11 Woodlawn Road West, for traffic circulation, pedestrian ingress and egress, parking, utilities and municipal services, be approved, subject to the following conditions:

1. That the owner of the proposed severed parcel ‘B’ (1, 3, 5, 7 and 9 Woodlawn Road, West) at the corner of Woodlawn Road, West and Woolwich Street, with a frontage along Woodlawn Road, West of 92.381-metres (303.09 feet) shall provide the proposed severed parcel ‘A’ (15, 43, 45, 47 and 49 Woodlawn Road, West); and the proposed severed parcel ‘C’ (11 Woodlawn Road, West) mutual right-of-way and easements in perpetuity for vehicle traffic circulation, pedestrian ingress and egress, parking, utilities and municipal services. Furthermore, the right-of-way and easements are to be endorsed and registered on title, prior to endorsement of the deeds or within one (1) year of the consent, whichever occurs first.
2. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to April 12, 2014.
3. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
4. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
5. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application B-16/13

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

Moved by L. McNair and seconded by J. Hillen,

“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 Lots 5, 6 and 7, Registered Plan 169, described as Parts 3 and 7 on draft reference plan prepared by Van Harten Surveying Inc., known as project number 19868-11, dated February 21, 2013, municipally known as 11 Woodlawn Road West, an irregular parcel with a lot frontage along Woodlawn Road West of 59.306 metres and an area of 6.742 hectares, subject to rights-of-ways and easements in favour of 15-49 Woodlawn Road West and 1-9 Woodlawn Road West, for traffic circulation, pedestrian ingress and egress, parking, utilities and municipal services, be approved, subject to the following conditions:

1. That the owner of the proposed severed parcel 'C' (11 Woodlawn Road, West), with a frontage along Woodlawn Road, West of 59.306-metres (194.57 feet) shall provide the proposed severed parcel 'A' (15, 43, 45, 47 and 49 Woodlawn Road, West); and the proposed severed parcel 'B' (1, 3, 5, 7 and 9 Woodlawn Road, West) mutual right-of-way and easements in perpetuity for vehicle traffic circulation, pedestrian ingress and egress, parking, utilities and municipal services. Furthermore, the right-of-way and easements are to be endorsed and registered on title, prior to endorsement of the deeds or within one (1) year of the consent, whichever occurs first.
2. That the existing access between 35 Woodlawn Road West and Parcel B shown on the draft Reference Plan be formally recognized through an access easement, registered on title, prior to endorsement of the deeds.
3. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to April 12, 2014.
4. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
5. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
6. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference



Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.

Carried.

**Application:** A-33/13  
**Owner:** Patricia, James and Chris Hall  
**Agent:** n/a  
**Location:** 54 Yarmouth Street  
**In Attendance:** Glen Sproule  
Jim Hall  
Patty Hall  
Mike Hall

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. Hall replied the notice sign was posted and comments were received from staff. She explained they want to convert the commercial unit to residential use which will result in four residential units in the building.

There were no questions from the Committee.

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 A. Diamond and seconded by C. Downer,

“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 6.3.1.1 and 6.3.2.1.3 of Zoning By-law (1995)-14864, as amended, for 54 Yarmouth Street, to permit a residential dwelling unit on the main floor in an area previously occupied by a commercial use, thus eliminating any commercial uses in the building, when the By-law permits residential dwelling units with commercial uses in the same building and the By-law does not permit dwelling units on the main floor level (i.e. the first storey), be approved, subject to the following condition:

1. That the conversion of the commercial unit on the main floor to a residential unit apply to the current and existing building only and be limited to 79 square metres.”

Carried.

**Application:** A-32/13  
**Owner:** Nelson Matthew and Seena Nelson  
**Agent:** Nelson Matthew  
**Location:** 707 Stone Road East  
**In Attendance:** Nelson Matthew

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Matthew replied the notice sign was posted and comments from staff were received. He had no further information to add to the application.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by L. McNair and seconded by J. Hillen,

“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 extend the legal non-conforming use for 707 Stone Road East, with a 7 metre by 4.7 metre single storey addition which is located 13.9 metres from the right side lot line and 76.8 metres from the rear lot line, be approved, subject to the following conditions:

1. That prior to the issuance of a building permit, the owner shall demonstrate to the satisfaction of the General Manager/City Engineer that the existing septic system has adequate capacity to support the proposed addition.
2. That prior to the issuance of a building permit, the owner shall have an Ontario Land Surveyor show the location of the septic tank and tile bed, relevant to the existing property line.
3. That prior to the issuance of a building permit, the owner shall satisfy the City's Chief Plumbing/Sewage System Inspector, that the septic tank and tile bed are located in accordance with all appropriate regulations.
4. That the addition be used for storage purposes only and not be used for human habitation or a home occupation.”

Carried.

**Application:** A-35/13

**Owner:** B. O'Hara, C. Wilson, M. Craig and M. Gilbertson

**Agent:** Ben O'Hara

**Location:** 46 Meadowview Avenue

**In Attendance:** Ben O'Hara  
Mary MacLeod  
Justin Finamore

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. O'Hara replied that he received staff comments and notice signs were posted. He explained he and his partners purchased the property at 46 Meadowview 4 years ago and since that time they have completed renovations on the interior of the building. At this time they are requesting permission to replace the roof structure and install solar panels on the new roof which allows for feedback into the grid in partnership with Guelph Hydro and Ontario Power Authority. He addressed the concern with the letter submitted and noted they will be installing a hip roof which is lower.

Committee member J. Hillen noted the side yard does not comply with the current zoning. He questioned when the building was constructed and what the zoning was at that time.

Mr. O'Hara replied the building was constructed in the 1960's and he was unsure of the side yard requirements at that time.

Ms. MacLeod explained she owned 233 Waterloo Avenue, directly east of the property. She spoke to the affect of the pitched roof on shadowing her rear yard and kitchen window. She spoke to the affect of the building height when considering the difference in elevation between the subject property and properties on Waterloo Avenue. She submitted pictures of the subject property from her rear yard area.

In response to the concerns expressed Mr. O'Hara advised he is a graduate of landscape architecture and is educated on shading analysis. He ran the property through Google sketch-up for sun analysis and submitted pictures to the Committee members. He explained the new roof bumped up an additional 2 metres for demonstration purposes will not have significant impact on the shading of the rear yard. He noted any shading occurs after 5:00 p.m. which does not have an effect on any plants growing.

Ms. MacLeod advised she did not agree with the findings. She noted the new roof will result in loss of half of the sunlight in her rear yard.

Committee member A. Diamond noted the shading could have a lot to do with the existing trees along the lot line.

Committee member L. McNair agreed with the assertion that sun beyond 5:00 p.m. will not have impact on her garden.

Ms. MacLeod was more concerned about lighting in her patio and rear yard.

Mr. Finamore owner of 237 Waterloo Avenue expressed concerns with respect to life safety with a steel roof so close to his property and ice and snow from the roof falling. He expressed further concern that a hopper to collect the water at the side of the building will run to back of the property and onto his property if over-filled. He expressed concerns about the existing windows along the lot lines, and about the affect the functioning of the solar panel with large trees on the property and noted that the small fence installed is eroding.

Mr. O'Hara noted there are valid concerns about the snow and advised ice guards will be installed around the building. He noted the solar panels will be at the front of the building only and guards will be installed to protect the tenants entering and exiting the building. He noted the retaining wall and fence have been in poor shape and explained they plan to continue to clean up the property and fix the retaining wall. With respect to the collection of water, he explained they will be diverting water to the north and south sides of the building which will retain 5,000 litres of rainwater so there should not be concern about them overflowing.

Committee member L. McNair questioned if a building permit is required for the new roof.

Planner M. Witmer replied a building permit is required. He noted if there was concern about grading and drainage on the property, the Committee could consider including a condition that grading and drainage be reviewed with the building permit application.

Ms. McLeod further noted the Committee could consider at 5/12 pitch which would decrease the height of the building.

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. McNair and seconded by A. Diamond,

“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 5.4.2, Row 8 of Zoning By-law (1995)-14864, as amended, for 46 Meadowview Avenue, to replace a flat roof with a pitched roof creating a building height of 8.2 metres (26.9 feet), as measured from the mid-span of the new roof, and to permit a side yard of 1.9 metres (6.36 feet) when the By-law requires that the minimum side yard is equal to one-half the building height [4.1 metres (13.45 feet) but not less than 3 metres (9.84 feet), be approved, subject to the following condition:

1. That Engineering staff review the grading and drainage as part of the review of the building permit for the new roof.”

Carried.

**Application:** A-37/13  
**Owner:** Mark and Ana Parkinson  
**Agent:** n/a  
**Location:** 47 Old Colony Trail  
**In Attendance:** Ana Parkinson  
Mark Parkinson  
Maddy Summerlee

The Secretary-Treasurer advised that additional emails in support of the application were received after the comment deadline.

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mrs. A. Parkinson replied that she posted the sign as required and received the staff comments. She summarized the details of her business Caring Touch. She commented that by showing some pictures, she is hoping that the Committee has a better understanding of the space she is currently able to provide for her clients. She noted that her business is not visible when viewing the residential dwelling from the outside. She explained that they are enclosing a portion of the basement so that they will comply with parking requirements. She also explained that they need the space to be able to comply with Public Health requirements. She stated that the requirement is to have clean instruments separate from dirty instruments; they require a separate sink for cleaning purposes. She noted that the extra space does not create more traffic in the neighbourhood. She commented that her employee has been a great asset and if the space is reduced to comply with the By-law requirements, it would not allow them to work together.

Ms. M. Summerlee commented that she supports the owner's comments and that the decision of the Committee will affect her employment status.

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 C. Downer and seconded by A. Diamond,

"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 4.19.1 (i) and 4.19.1 (ii) of Zoning By-law (1995)-14864, as amended, for 47 Old Colony Trail,

- a) to permit a 49 square metre (527.4 square foot) personal service establishment (aesthetics) when the By-law requires that the total floor area occupied by a home occupation within the enclosed portion of the dwelling unit shall not exceed 33 square metres (355.2 square feet), and

- b) to permit the home occupation, operated by the property owner and one non-resident employee, occupy 53.8% of the basement floor area when the By-law requires that where the home occupation has a non-resident employee, partner or associate, a maximum of 10% of the floor area of the basement may be occupied by a home occupation [9.1 square metres (98 square feet)], to a maximum of 33 square metres,

be approved, subject to the following conditions:

1. That the Personal Service Establishment home occupation be limited to a business providing personal aesthetical services only.
2. That the home occupation be limited to a total area of 49 square metres in the basement.”

Carried.

**Application:**                **A-36/13**  
**Owner:**                      **Kristine Koning**  
**Agent:**                        **n/a**  
**Location:**                  **5 Gladstone Avenue**  
**In Attendance:**            **Kristine Koning**  
                                      **Kaitlyn Koning**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. K. Koning replied that the sign was posted and she did receive the staff comments. She explained that the garage will be a foot higher than what is allowed in the By-law. She further explained that the garage will be used for storage and for storing of vehicles.

Committee member L. McNair commented that existing houses in the neighbourhood have roofs with a 6/12 pitch and this proposed garage has a pitch of 12/12, which seems incompatible.

Ms. K.Koning explained that the pitch is required for storage above and that the extra foot will give extra room for accessing the upper level without bumping heads on the ceiling.

Committee member J. Hillen commented that the site plan shows a 4 foot setback but looks like it might be around 2 feet instead. He continued by commenting that he is concerned that this might be an issue when the building permit is being issued.

Planner M. Witmer commented that he can only assume that the proposed garage is going to be 4 feet from the property line. He explained that the required setback is 2 feet. He also explained that the existing shed might interfere with the location of the new garage.

Ms. K. Koning replied that her contractor will ensure the garage be built two feet from the fence. She commented that the existing shed will be removed once the garage is built.

Committee member L. McNair questioned if a condition should be added that the shed must be removed.

Planner M. Witmer replied that he agrees that this condition should be included.

Committee member C. Downer questioned if the condition could state that it has to be removed upon completion of the garage so the owner is able to use the existing shed.

Planner M. Witmer commented that the current location of the shed is in the way of the proposed garage.

Ms. K. Koning noted that the shed has already been moved out of the way.

Planner M. Witmer commented that the proposed condition regarding the removal of the shed is hence irrelevant.

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. McNair and seconded by J. Hillen,

“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 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for 5 Gladstone Avenue, to permit a 4.9 metre by 11.6 metre (16 foot by 38 foot) detached garage with a height of 3.91 metres (12.83 feet) when the By-law requires that in a residential zone, the height of an accessory structure shall not exceed 3.6 metres (11.83 feet), measured at the mid point between the eave and the ridge, be approved, subject to the following condition:

1. That all or any portion of the detached garage not be used as habitable space or for a home occupation.”

Carried.

**Application:** A-30/13 and A-31/13

**Owner:** 785412 Ontario Limited

**Agent:** Subhash Chugh

**Location:** 44 Speedvale Avenue West

**In Attendance:** Subhash Chugh  
Wendy Davenport

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. S. Chugh replied that he posted the sign as required and he received the staff comments. He explained that he bought the property in November of 2012. He further explained that his proposal is to demolish the existing house and construct two single detached dwellings on the existing two lots. He noted that he had pre-consultation meetings with City staff where it was brought to his attention that a road widening dedication will be required. He noted that the lots are already shallow and he is trying to establish legal off-street parking spaces for both lots. He also noted that this will not leave room for a big backyard. He commented that it was later discovered by Engineering staff that there might be a storm sewer trunk on one of the lots which he found surprising because there were no easements registered on title. He noted that the sketch provided with the staff comments indicates the possible location of the trunk and that staff does not seem to have detailed information on the exact location. He explained that staff is asking him to pay for locating and surveying the sewer trunk. He commented that, in his opinion, the City should do the work of locating the trunk; the sketch provided has no accuracy on the location or direction of the sewer line.

Planner M. Witmer commented that from a planning land use perspective they have no concerns but Engineering staff has specified that the sewer trunk is located on one of the lots and Planning staff will support the recommendation from Engineering staff.

Committee member L. McNair questioned whether staff has reasonable information that the sewer is indeed at that location as indicated on the sketch.

Planner M. Witmer replied that Engineering staff indicated that the storm sewer is mainly for overflow purposes.

Committee member A. Diamond questioned if the applicant will be responsible for the research of locating the sewer trunk.

Committee member L. McNair commented that, in his opinion, if there was no easement registered on title and no supporting documentation, the City should assist the applicant.

Ms. W. Davenport, a neighbouring property owner, commented that the storm sewer goes right through the property in question and through her property. She expressed a concern of the storm sewer possibly breaking and creating flooding while constructing the new dwellings. She commented that she could support one dwelling but not two.

Committee member C. Downer commented that the Committee does not have enough information on the storm sewer situation and that perhaps a deferral of the application is needed.



Planner M. Witmer commented that Planning staff can coordinate a meeting with Engineering staff and the applicant to discuss the storm sewer situation to be able to move forward with the application.

Mr. S. Chugh commented that at the pre-consultation meeting it was discussed that the storm sewer might be straddling the lot line but it appears that we still do not know where it is located. He noted that the onus is entirely on him to complete and pay for the research to locate the sewer. He explained that he might not be able to build a house where he is planning. He commented that he is not looking for a decision on the application today.

Moved by L. McNair and seconded by C. Downer,

“THAT Application A-30/13 and A-31/13 for 785412 Ontario Ltd. at 44 Speedvale Avenue, West, be deferred sinedie, to allow staff and the applicant to identify the existing storm sewer location and in accordance with the Committee’s policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral.”

Carried.

A brief discussion took place between the Committee members regarding the deferral fees.

Moved by L. McNair and seconded by C. Downer,

“THAT the applicant not be responsible for payment of the deferral fees for Applications A-30/13 and A-31/13 at 44 Speedvale Avenue West.”

Carried.

**Application:**                **A-34/13**

**Owner:**                    **Elavalakaner Kanakaratham**

**Agent:**                    **n/a**

**Location:**                **54 Walman Drive**

**In Attendance:**        **Elavalakaner Kanakaratham**  
                                 **Les Schmidt**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. E. Kanakaratham replied that the sign was posted and the staff comments were received. He explained that he purchased the property 3 years ago. He further explained that he wanted to create a five bedroom lodging house but this was not allowed at the time. He commented that he has since created a sixth bedroom. He explained that he realized later that he was able to apply for a lodging house but that the distance must be 100 metres from another lodging house. He noted that his dwelling is not very close to the existing lodging houses.

April 9, 2013 C of A Minutes

Committee member D. Kelly questioned staff what initiated the application.

Planner M. Witmer commented that the variance application is a result of pro-active enforcement.

Mr. E. Kanakaratham commented that he has applied for a lodging house certification by himself.

Mr. L. Schmidt states that the landlord is an honourable man but he had owned properties on Walman and Koch for a while. He expressed concern about complete deterioration of the area the past 10-15 years. Properties go to waste, 5-6 people in the house but they are breaking most of the rules. When people say that they can't make money in a rental, it's not true, the money is good. He indicated he did not see the need to have families having more lodging houses around them.

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. Hillen and seconded by L. McNair,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.25 Row 3 of Zoning By-law (1995)-14864, as amended, for 54 Walman Drive, to permit a six bedroom lodging house within 96 metres of an existing lodging house located at 638 Edinburgh Road South and within 99 metres of an existing lodging house located at 28 Koch Drive, when the By-law requires that a minimum separation between buildings being used as a Lodging House Type 1 shall be 100 metres, be approved, subject to the following condition:

1. That the owners apply for and receive registration and/or certification of the lodging house within no longer than 60 days of the date of the Committee of Adjustment's decision. "

Carried.

The meeting adjourned at 6:38 p.m.

D. Kelly  
Chair

Kim Fairfull, ACST  
Secretary Treasurer

Minna Bunnett, ACST(A)  
Assistant Secretary-Treasurer

**COMMITTEE OF ADJUSTMENT**  
Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday April 23, 2013, with the following members present:

D. Kelly, Chair  
R. Funnell, Vice Chair  
L. McNair  
J. Hillen  
A. Diamond  
B. Birdsell  
C. Downer

Staff Present: K. Fairfull, Secretary-Treasurer  
M. Bunnett, Assistant Secretary-Treasurer  
M. Witmer, Planner

Declarations of Pecuniary Interest

Committee member J. Hillen declared a pecuniary interest for Applications B-19/13 and B-20/13, being Item 1 on the Agenda and Applications B-17/13, B-18/13, A-39/13, being Item 4 on the Agenda as the owners are potential clients.

Approval of Minutes from Last Meeting

Moved by L. McNair and seconded by A. Diamond,

“THAT the Minutes from the April 9, 2013 meeting of the Committee of Adjustment, be approved, as printed and circulated.”

Carried.

Other Business

The Secretary-Treasurer advised the Annual Report was approved by the Planning, Building, Engineering and Environment Committee on April 22, 2013. She thanked Committee member L. McNair and Chair D. Kelly for attending the meeting and providing their support.

Committee member J. Hillen, having declared a pecuniary interest for the next applications, left the room.

**Applications:           B-19/13 and B-20/13**

**Applicant:               Reid’s Heritage Homes Ltd.**

**Agent:** Alfred Artinger

**Location:** 28 Samuel Drive and 340 Clair Road, East

**In Attendance:** Alfred Artinger  
Laura VanderVelt

The Secretary-Treasurer advised that upon further examination, only one application is required to consider the request. She advised she will be refunding one application fee to the applicant.

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if comments were received.

Mr. Artinger replied the notice sign was posted and comments were received from staff. He explained the application was two-fold, being consent for severance to sell the roadway to a holding company as three condominiums will be located in the development and to provide easements within the development.

Application Number B-19/13

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

Moved by L. McNair and seconded by B. Birdsell,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended,

- a) consent for severance of Part Lot 10, Concession 8, being Part 1 on a draft Reference Plan prepared by Van Harten Surveying Inc., Project No. 21169-13, being an internal roadway serving the residential parcels being 28 Samuel Drive,
  - i) subject to an easement to flow surface water to and over the residential parcels
  - ii) subject to an easement for municipal services for the residential parcels
  - iii) subject to an easement in favour of the residential parcel and for the property known as 340 Clair Road, West for ingress and egress;
- b) consent for easements over the residential parcels
  - i) for flow of surface water; for municipal services; for access for construction of the residential parcels, and to place construction materials and equipment during construction of the residential parcels,

be approved, subject to the following conditions:

1. That the owners of the severed parcel, Parcel ‘C’ (an internal roadway), Part 1 on the draft

Reference Plan, shall provide the owners of 28 Samuel Drive, Parcel 'A' (three proposed condominium plans), Parts 1-20 and Parts 26-30 on the draft Reference Plan, an easement in perpetuity for ingress and egress for the adjoining streets, for surface water flow, municipal services, access for construction of the residential parcels (Parcel 'A'), Parts 1-20 and Parts 26-30 on the draft Reference Plan, to place construction materials and equipment during construction of the residential parcels (Parcel 'A'), Parts 1-20 and Parts 26-30 on the draft Reference Plan. Furthermore, the right-of-way and easements are to be endorsed and registered on title, prior to endorsement of the deeds or within one (1) year of the consent, whichever occurs first.

2. That the owners of 340 Clair Road, East, Parcel 'B', Part 2 on Reference Plan 61R-11983, shall provide the owners of 28 Samuel Drive, Parcel 'A' (three proposed condominium plans), Parts 1-20 and Parts 26-30 on the draft Reference Plan, mutual right-of-way and easements in perpetuity for ingress and egress. Furthermore, the right-of-way and easement are to be endorsed and registered on title, prior to endorsement of the deeds or within one (1) year of the consent, whichever occurs first.
3. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to April 26, 2014.
4. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
5. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
6. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Committee member J. Hillen was summoned back to the room.

**Application:** B-21/13

**Applicant:** Guelph General Hospital

**Agent:** Kyle Hampson; Miller Thomson

**Location:** 73 Delhi Street

**In Attendance:** Kyle Hampson  
Robert Ielers  
Meghan Wadleigh  
Rebecca Hatton

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Hampson replied the notice sign was posted and comments were received from staff. He explained their client at 55 Delhi Street has no legal access along the driveway to their off-street parking. He noted there is a conditional offer to purchase on the property and they want to ensure the proposed purchaser has legal access.

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 R. Funnell and seconded by A. Diamond,

“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 right-of-way over Part Lots 35 and 36, Registered Plan 113, being Parts 1 to 4, Reference Plan 61R-11415, 73 Delhi Street, a right-of-way with a width of 12.091 metres and a depth of 70.596 meters, to provide access to the off-street parking spaces associated with the property municipally known as 55 Delhi Street, be approved, subject to the following conditions:

1. That prior to endorstation of the deeds, the servient tenement (73 Delhi Street), grants a right-of-way approximately 12.091-metres (39.668 feet) wide by approximately 70.596-metres (231.614 feet) long over Part of Lots 35, 36 and 40, Registered Plan 133, being Parts 1-4, Reference Plan 61R-11415, registered on title, in favour of the dominant tenement (55 Delhi Street) for legal access to the parking spaces associated with 55 Delhi Street.
2. That prior to endorstation of the deeds, the owner’s solicitor certifies that the right-of-way in favour of the dominant tenement (55 Delhi Street) has been granted and registered on title.
3. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to April 26, 2014.
4. That all required fees and charges in respect of the registration of all documents required in

respect of this approval and administration fee be paid, prior to the endorsement of the deed.

5. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
6. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

**Applications: A-40/13 to A-44/13**

**Applicant: Carson Reid Homes**

**Agent: Nancy Shoemaker**

**Location: 5, 7 and 9 Severn Drive/85 Marshall Drive/213 Fleming Road**

**In Attendance: Nancy Shoemaker**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if staff comments were received.

Ms. Shoemaker replied the notice sign was posted and comments were received. She explained the zoning for the subdivision allows for semi-detached and singles and has a provision for a maximum frontage which is unusual for single detached. She explained the configurations of the lots at the rear are not sufficient to support semis so the builder wants to construct single detached on the properties. She noted the Owner is agreeable to the recommended condition that singles only be constructed on the lot.

Application Number A-40/13

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 C. Downer and seconded by A. Diamond,

“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 5.2.3.6.2.1.3 of Zoning By-law (1995)-14864, as amended, for 5 Severn Drive, to permit a maximum lot frontage of 19.415 metres when the By-law requires a maximum lot frontage of 14.5 metres (47.5 feet), be approved, subject to the following condition:

1. That semi-detached dwellings not be a permitted use on all or part of this property.”

Carried.

Application Number A-41/13

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 C. Downer and seconded by A. Diamond,

“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 5.2.3.6.2.1.3 of Zoning By-law (1995)-14864, as amended, for 7 Severn Drive, to permit a maximum lot frontage of 19.414 metres when the By-law requires a maximum lot frontage of 14.5 metres (47.5 feet), be approved, subject to the following condition:

1. That semi-detached dwellings not be a permitted use on all or part of this property.”

Carried.

Application Number A-42/13

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 C. Downer and seconded by A. Diamond,

“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 5.2.3.6.2.1.3 of Zoning By-law (1995)-14864, as amended, for 9 Severn Drive, to permit a maximum lot frontage of 17.053 metres when the By-law requires a maximum lot frontage of 14.5 metres (47.5 feet), be approved, subject to the following condition:



1. That semi-detached dwellings not be a permitted use on all or part of this property.”

Carried.

Application Number A-43/13

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 C. Downer and seconded by A. Diamond,

“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 5.2.3.6.2.1.3 of Zoning By-law (1995)-14864, as amended, for 85 Marshall Drive, to permit a maximum lot frontage of 16.964 metres when the By-law requires a maximum lot frontage of 14.5 metres (47.5 feet), be approved, subject to the following condition:

1. That semi-detached dwellings not be a permitted use on all or part of this property.”

Carried.

Application Number A-44/13

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 C. Downer and seconded by A. Diamond,

“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 5.2.3.6.2.1.3 of Zoning By-law (1995)-14864, as amended, for 213 Fleming Road, to permit a maximum lot frontage of 15.95 metres when the By-law requires a maximum lot frontage of 14.5 metres (47.5 feet), be approved, subject to the following condition:

1. That semi-detached dwellings not be a permitted use on all or part of this property.”

Carried.

Committee member J. Hillen, having declared a pecuniary interest for the next applications, left the room.

**Application:** B-17/13 and B-18/13  
**Applicant:** Armel Corporation  
**Agent:** Chris Corosky  
**Location:** 20/70 and 128 Elmira Road, South  
**In Attendance:** Chris Corosky  
Darryll Bird  
Tom Rotella

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if staff comments were received.

Mr. Corosky replied the notice signs were posted and comments were received from staff. It is a return appearance. He explained they received approval from the Committee July 2012 however the configuration of the property has changed slightly; therefore another consent has been submitted. He explained the rezoning was approved last November and a floor space cap was put on the individual parcels. He noted that with the minor variance application they want to re-allocate 500 square metres from the southern parcel to the northern parcel.

Committee member L. McNair questioned if each parcel will be able to provide the parking required with the shift in floor area.

Planner M. Witmer replied staff are working with the applicant to obtain site plan approval and he confirmed there is a surplus of parking on the property.

Application Number B-17/13

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

Moved by L. McNair and seconded by B. Birdsell,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 6, Concession 1, Division ‘B’, Part of Original Road Allowance between Division ‘B’ and ‘E’, on a draft Reference Plan prepared by Black, Shoemaker, Robinson & Donaldson Ltd.; known as Project Number 11-8902-3, 20 and 70 Elmira Road, South, a parcel with frontage along Elmira Road, South and an area of 5.77 hectares (14.27 acres), subject to an easement and right-of-way in favour of 128 Elmira Road,

South for municipal services and mutual vehicular access and circulation, be approved, subject to the following conditions:

1. That the owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, fencing, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the lands to the satisfaction of the General Manager of Planning and General Manager/City Engineer, prior to the issuance of a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.
2. That the owner of the proposed severed parcel 20 and 70 Elmira Road, South with a frontage along Elmira Road, South of 272.668-metres (894.580 feet) shall provide the proposed retained parcel 128 Elmira Road, South a mutual right-of-way and reciprocal easements in perpetuity for municipal services and mutual vehicular access and circulation between each parcel. Furthermore, the right-of-way and reciprocal easements are to be endorsed and registered on title, prior to endorsement of the deeds or within one (1) year of the consent, whichever occurs first.
3. That all conditions from Zoning By-law Amendment ZC1117 related to the severed parcel (Phase 1 lands) be satisfied, prior to the issuance of building permits.
4. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to April 26, 2014.
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 endorsement of the deed.
6. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
7. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Application Number B-18/13

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

Moved by L. McNair and seconded by B. Birdsell,

“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 an easement and right-of-way over Part Lot 4, Concession 2, Division ‘E’, Part of Original Road Allowance between Division ‘B’ and ‘E’, Part Lot 6, Concession 1, Division ‘B’, being Parts 5 to 8 on a draft reference plan prepared by Black, Shoemaker, Robinson & Donaldson Ltd., known as Project Number 11-8902-3, 128 Elmira Road, South in favour of 20 & 70 Elmira Road, South, be approved, subject to the following conditions:

1. That the owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, fencing, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the lands to the satisfaction of the General Manager of Planning and General Manager/City Engineer, prior to the issuance of a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.
2. That the owner of the proposed retained parcel 128 Elmira Road, South with a frontage along Elmira Road, South of 215.166-metres (705.925 feet) shall provide the proposed severed parcel 20 and 70 Elmira Road, South a mutual right-of-way and reciprocal easements in perpetuity for municipal services and mutual vehicular access and circulation between each parcel. Furthermore, the right-of-way and reciprocal easements are to be endorsed and registered on title, prior to endorsement of the deeds or within one (1) year of the consent, whichever occurs first.
3. That all conditions from Zoning By-law Amendment ZC1117 related to the severed parcel (Phase 1 lands) be satisfied, prior to the issuance of building permits.
4. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to April 26, 2014.
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 endorsement of the deed.
6. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry

Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.

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

Carried.

Application Number A-39/13

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. McNair and seconded by B. Birdsell,

“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 6.2.3.2.23.2.2 and 6.2.3.2.24.2.4 of Zoning By-law (1995)-14864, as amended, for 20/70 Elmira Road, South and 128 Elmira Road, South;

- a) To decrease the maximum gross floor area for 128 Elmira Road, South to 11,500 square metres (123,784 square feet) when the By-law allows a maximum gross floor area of 12,000 square metres (129,166 square feet), and;
- b) To increase the gross floor area for 20/70 Elmira Road, South to 14,500 square metres (156,076 square feet when the By-law permits a maximum gross floor area of 14,000 square metres (150,694 square feet),

be approved.”

Carried.

Committee member J. Hillen was summoned back to the room.

**Application:**            **A-46/13**  
**Applicant:**             **Aaron and Janice Douma**  
**Agent:**                 **Aaron and Janice Douma**  
**Location:**             **310 Cole Road**

**In Attendance:**         **Aaron Douma**  
                                  **Janice Douma**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if staff comments were received.

Mr. A. Douma replied that the sign was posted and the staff comments were received. He had no additional comments to add.

Committee member L. McNair questioned the applicant whether there will be three vehicles parked on the driveway on a regular basis.

Mr. A. Douma replied that it depends on the number of renters but he would like to be able to provide three parking spaces in case it is required.

Committee member R. Funnell commented that the rationale for the staff's support is in the comments but he questioned if the City Council could be informed regarding changing the zoning by-law to permit three stacked parking spaces in the future?

Planner M. Witmer replied that City of Guelph staff is considering not permitting accessory apartments in semi-detached dwellings because there is usually no room for both parking and landscaping in the front yard.

Chair D. Kelly noted that the zoning by-law which prohibits three parking spaces stacked does not distinguish between a local and a collector road.

Planner M. Witmer commented that it focuses more on safe ingress and egress.

Committee member J. Hillen commented that there is neither a house across the street, or a driveway and the property in question is not near a corner or a t-section. He further commented that there is no precedent setting and that the Committee looks at every application individually.

Planner M. Witmer commented that staff also considers how close the house is to the street line. He noted that older neighbourhoods often have shallow setbacks but the dwelling in question has a 6 metre setback.

Mr. A. Douma commented that parking is not permitted on the opposite side of the road and there is also no dwelling across the street.

Planner M. Witmer confirmed that there are signs in place which indicate parking is not permitted on that side of the street.

Chair D. Kelly questioned whether the number of vehicles parked on the driveway factors in as a greater impact?

Planner M. Witmer replied that it is not a factor. He commented that some properties have even deeper driveways off similar streets and the City does not limit the number of vehicles parked on a driveway.

Committee member L. McNair questioned why the condition recommended includes both words stacked and tandem?

Planner M. Witmer replied that the staff wanted to make it very clear and to distinguish between parallel parking. He noted that parking on the grass is not permitted.

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. Hillen and seconded by B. Birdsell,

“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 310 Cole Road, to permit three off-street parking spaces in a stacked arrangement in the driveway to support an accessory unit when the By-law requires three of-street parking spaces be provided with two parking spaces only permitted in a stacked arrangement, be approved,

subject to the following condition:

That the applicant extend the length of their driveway by an additional 1.6 metres (5.25 feet) to accommodate the stacked and tandem parking of three (3) vehicles.”

Motion did not carry.

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 C. Downer seconded by A. Diamond,

“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 310 Cole Road, to permit three off-street parking spaces in a stacked arrangement in the driveway to support an accessory unit when the By-law requires

three of-street parking spaces be provided with two parking spaces only permitted in a stacked arrangement, be refused.

Reason for refusal being:

1. The variance does not meet the intent of the Zoning By-law.”

Carried.

**Application:** A-38/13  
**Applicant:** Worarak Nanthajan and Jahangir Hossain  
**Agent:** n/a  
**Location:** 212 Country Club Drive  
**In Attendance:** Jahangir Hossain

The Assistant Secretary-Treasurer advised that an additional email objecting the application and referring to property standards issues was received after the comment deadline.

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if staff comments were received.

Mr. J. Hossain replied the sign was posted and the staff comments were received. He explained that he has provided access between the two units by opening a door.

Committee member L. McNair commented that the Zoning By-law states that a connection has to be provided between the units but he believes the fire department does not support this.

Planner M. Witmer commented that the purpose of the access is for the unit to remain subordinate to the main dwelling. He explained that he cannot speak to the fire department and is not aware if the fire codes have changed.

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 R. Funnell and seconded by C. Downer,

“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 212 Country Club Drive, to permit an accessory apartment with an area of 95 square metres (1,022.5 square feet) which occupies 45.9% of the total floor area of the building, when the By-law requires an accessory apartment have a maximum floor area of 80 square metres and not exceed 45% of the total floor area of the building, be approved.”

Carried.

**Application:** A-45/13  
**Applicant:** Brian Hindley and Nicole Mailloux  
**Agent:** n/a  
**Location:** 4 Trillium Court  
**In Attendance:** Brian Hindley

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if staff comments were received.

Mr. B. Hindley replied that the sign was posted and the staff comments were received. He explained that he has owned the two storey house since 1999. He further explained that the basement was partially finished with the flooring installed. He noted that the apartment is currently a bachelor apartment and has not been used or rented. He commented that this would be the more convenient way to separate the basement from the rest of the house.

Committee member L. McNair questioned whether the door indicated on the drawings is a fire door.

Mr. B. Hindley replied that the door has to be upgraded to a fire door.

Committee member L. McNair advised the applicant that he is requesting a variance to the Zoning By-law and not a re-zoning as was referred to in his letter.

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 B. Birdsell and seconded by L. McNair,

“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 4 Trillium Court, to permit an accessory apartment with an area

of 101.5 square metres (1,093 square feet) when the By-law requires an accessory apartment not exceed a maximum of 80 square metres in floor area, be approved.”

Carried.

The meeting adjourned at 5:05 p.m.

D. Kelly  
Chair

K. E. Fairfull, ACST  
Secretary-Treasurer  
Committee of Adjustment

M. Bunnett, ACST(A)  
Assistant Secretary-Treasurer  
Committee of Adjustment

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday May 14, 2013 at 4:00 p.m. in Room 112, City Hall, with the following members present:

R. Funnell –Chair  
B. Birdsell  
C. Downer  
A. Diamond  
L. McNair (from 4:30 p.m.)

Regrets: D. Kelly  
J. Hillen

Staff Present: M. Witmer, Planner  
K. Fairfull, Secretary-Treasurer  
M. Bunnett, Assistant Secretary-Treasurer

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Meeting Minutes

Moved by B. Birdsell and seconded by A. Diamond,

“THAT the Minutes from the April 23, 2013 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

The Secretary-Treasurer advised that a settlement was reached on May 9, 2013 for Application A-4/13 being a separation distance variance for a lodging house located at 692 Scottsdale Drive and Application A-5/13 being a separation distance variance for a lodging house located at 41 Reid Court. The Ontario Municipal Board authorized both of the variances subject to conditions. Copies of the Settlement were distributed to Committee members.

The Secretary-Treasurer advised that a letter was received from the Ontario Municipal Board indicating that the May 15, 2013 hearing for Application A-4/12 for 553 Edinburgh Road South has been adjourned. The adjournment was requested by the property owner’s lawyer.

The Secretary-Treasurer advised there were two appeals received during the past month: Application B-13/13 being a long term lease at 130 Silvercreek Parkway, North (Winners) was appealed on May 1, 2013 and Application A-46/13 being refusal of a variance for off-street parking to permit an accessory apartment was appealed on May 8, 2013.

**Application:** B-54/12  
**Owner:** Teresa Marthaler  
**Agent:** Stantec Consulting, Dan Young  
**Location:** 1858 Gordon Street  
**In Attendance:** Dan Young

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Young replied the notice sign was posted and comments were received from staff. He explained they were before the Committee in November and after the deferral they met with staff and revised the application to address their concerns.

There were no questions from the members of the Committee.

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 C. Downer and seconded by A. Diamond,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 11, Concession 8, 1858 Gordon Street, a parcel with a total area of 2.059 hectares (5.09 acres) as a lot addition to 1888 Gordon Street, subject to an easement over 1858 Gordon Street, with a width of 12.8 metres (42 feet) and a depth of 125.21 metres (410.75 feet) for future servicing for the consolidated 1888 Gordon Street, be approved, subject to the following conditions:

1. That the proposed severed parcel of land be conveyed to the abutting owner as a lot addition only (Form 3 Certificate).

2. That the following covenant is incorporated in the deed:-

"The conveyance of (Severed Lands - legal description - Lot and Plan), City of Guelph, County of Wellington, designated as (Part and 61R-Plan Number) as a lot addition only to (Legal Description of Lands to be joined with - Lot and Plan), and shall not be conveyed as a separate parcel from (Legal Description of Lands to be joined with - Lot and Plan)."

3. That prior to endorsation of the deeds, the servient tenement (1858 Gordon Street, Part of Lot 11, Concession 8, more particularly described as Part 1 of Reference Plan 61R-3081), grants an easement with a width of approximately 12.80-metres (42.00 feet) wide and a depth of approximately 125.2-metres (410.76 feet), registered on title, in favour of the dominant tenement (1888 Gordon Street, Part of Lot 11, Concession 8, more particularly described as Part 1 of Reference Plan 61R-3494), for potential future servicing requirements.
4. That prior to endorsation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the required easement.
5. That prior to endorsation of the deeds, the owner's solicitor certifies that the easement, in favour of the dominant tenement (1888 Gordon Street, Part of Lot 11, Concession 8, more particularly described as Part 1 of Reference Plan 61R-3494), has been granted and registered on title.
6. That prior to the endorsation of the deeds, the applicant shall have an Ontario Land Surveyor show the location of the existing well, septic tank and tile beds, relevant to the existing and proposed property lines.
7. That prior to the endorsation of the deeds, the applicant shall satisfy the City's Chief Plumbing/Sewage System Inspector, that the well, septic tank and tile beds are located in accordance with all appropriate regulations.
8. That prior to any development of the lands, the owner deeds to the City free of all encumbrances a 5.00-metre (16.40 feet) by 3.00-metre (9.84 feet) day lighting triangle from 1858 Gordon Street at the corner of Poppy Drive and Gordon Street.
9. That prior to any development of the lands, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the required day lighting triangle.
10. That prior to any development of the lands, the owner shall pay the proportionate share of the actual costs of the existing roadworks, existing watermain, sanitary sewer and storm sewers, catchbasins, service laterals, hydrants, sidewalks, curb and gutter and any street lighting upgrades on Gordon Street across the frontage of the said lands as determined by the General Manager/City Engineer.

11. That prior to any development of the lands, the owners will be required to connect the existing dwellings to the city's sanitary sewer and water main to the satisfaction of the City's Plumbing/Sewage System Inspector.
12. That prior to the connection of the existing dwellings to the city's sanitary sewer and water main, the owners shall decommission the existing septic tanks and tile bed systems and existing private wells to the satisfaction of the City's Plumbing/Sewage System Inspector.
13. That prior to any development of the lands, the owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, fencing, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the lands to the satisfaction of the General Manager of Planning and Building Services and General Manager/City Engineer. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.
14. That prior to any development of the lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
15. That prior to any development of the lands, any domestic wells and boreholes drilled for hydrogeological or geotechnical investigations be properly abandoned in accordance with current Ministry of the Environment regulations and guidelines to the satisfaction of the General Manager/City Engineer.
16. That prior to any development of the lands, the owner shall enter into a Site Plan Control agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
17. That all structures on the property line be completely removed prior to the endorsement of the deeds.
18. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to May 17, 2014.
19. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.

20. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
21. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

**Application:** B-22/13

**Owner:** Motton Custom Homes Ltd.

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

**Location:** 86 Lane Street

**In Attendance:** Jeff Buisman  
Henry Hanlon

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Buisman replied the notice sign was posted and comments were received. He explained the property is located in older part of Guelph and they recently received approval from City Council for a rezoning to permit a semi-detached building. He explained the owner would like to separate the property to allow the sale of each unit.

Mr. Buisman advised he questioned staff about the recommendation the board fence along the right side lot line be removed. He noted staff researched the request for the removal and supported the fence remaining in the side yard of the proposed dwellings with the request to remove the fence in the front yard and within the driveway sightline triangle.

Staff agreed with this recommendation and suggested Condition 3 from Engineering Services be amended to request the board fence be removed in front yard area of 90 Lane Street and within the driveway sightline triangle.

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 B. Birdsell and seconded by C. Downer,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 8, Range 2, Division ‘F’, to be known municipally as 88 Lane Street, a parcel with a frontage along Lane Street of 9.1 metres (29.85 feet) and a depth of 30.5 metres (100.06 feet), be approved, subject to the following conditions:

1. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage for 60.0-feet (18.288 metres), prior to endorstation of the deeds.
2. That the owner pays for all the costs associated with the removal of the chainlink fence that is encroaching on the Public Laneway and on the Lane Street road allowance, prior to endorstation of the deeds.
3. That the owner pays for all the costs associated with the removal of the existing gravel, board fence located in the front yard area associated with 90 Lane Street and within the driveway sightline triangle and the 0.10-metre retaining wall from the proposed severed lands, prior to endorstation of the deeds.
4. That the owner pays the actual cost associated with the removal of the existing gravel within the road allowance from the area of the existing driveway entrance, the restoration of the boulevard with topsoil and sod where required including any required curb fill, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
5. That the owner pays the actual cost of the removal of the existing sanitary and water service laterals to the existing house within the road allowance and the public laneway, prior to endorstation of the deeds.
6. That the owner pays all the costs associated with the removal of the existing sanitary and water service laterals to the existing house from the proposed retained lands, satisfactory to the Plumbing Inspector, prior to endorstation of the deeds.
7. That the owner pays the actual cost of constructing new sanitary and water service laterals to the proposed retained lands and the proposed severed lands including the cost of any curb cuts and/or curb fills required, with the estimated cost of the



- works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
8. That the owner pays the actual cost of the construction of the new driveway entrances including the required curb cuts and/or curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
  9. That prior to the issuance of any building permits on the proposed retained lands and the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed retained lands and the for the proposed severed lands.
  10. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsation of the deeds.
  11. That the owner constructs the new dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
  12. That a legal off-street parking space is created on the proposed retained lands and the proposed severed lands at a minimum setback of 6.0-metres from the Lane Street property line.
  13. That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.
  14. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
  15. Prior to the issuance of a building permit, the owner agrees to install sump pumps unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
  16. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed new dwelling, prior to the issuance of a building permit.

17. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
18. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
19. Prior to any severance of the lands and prior to any construction or grading on the lands, the Developer shall have a Professional Engineer design a grading and drainage plan for the site, satisfactory to the General Manager/City Engineer.
20. Prior to any severance and prior to any construction and grading of the lands, the Developer shall be responsible for all of the costs associated with the demolition and removal of the existing dwelling from the property.
21. That the developer/owner shall pay development charges to the City in accordance with By-law Number (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereto.
22. Prior to building permit, the owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.
23. The Developer shall pay to the City the actual cost of the construction of the new driveways including the required curb cut and/ or fill and furthermore, prior to any severance of the lands and prior to any construction or grading on the lands, the Developer shall pay to the City the estimated cost for constructing the the new driveways including the required curb cut and/or fill, as determined by the General Manager/City Engineer.
24. The Developer shall pay to the City the actual cost of constructing, installing or removal of any service laterals required and furthermore, prior to any severance of the lands and prior to any construction or grading on the lands, the Developer shall pay to the City the estimated cost of constructing, installing or removal of any service laterals, as determined by the General Manager/City Engineer.
25. That the Developer constructs the new buildings at such an elevation that the lowest level of the new buildings can be serviced with a gravity connection to the sanitary.

26. That prior to building permit, the Developer complete a Tree Inventory & Protection Plan illustrating all existing trees (species, size, dbh, and condition) as well as protection during construction for trees that will remain, to the satisfaction of the General Manager of Planning Services.
27. That prior to building permit, the Developer complete a Landscaping, Replanting and Replacement Plan illustrating compensation trees, provided at a 3:1 ratio, to the satisfaction of the General Manager of Planning Services. ‘
28. The Developer shall pay to the City, the total cost of reproduction and distribution of the Guelph Residents Environmental Handbook, with such payment based on a cost of one handbook for each of the new dwelling units as determined by the City, prior to the issuance of any building permits.
29. That prior to building permit, the Develop agree to frost the centre window on the second storey facing north in the northerly semi-detached unit to improve privacy for the adjacent neighbours.
30. Prior to any severance and prior to any construction and grading of the lands, the Developer shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer and the Manager of Planning Services, covering the conditions noted above and to develop the site in accordance with the approved plans.
22. That prior to issuance of a building permit, the applicant makes arrangement for provision of hydro servicing to the two lots, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the applicant’s expense.
23. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to May 17, 2014.
24. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
25. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.

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

Carried

**Application:** B-23/13

**Owner:** Norma and Henry Hanlon

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

**Location:** 114 Nottingham Street

**In Attendance:** Jeff Buisman  
Henry Hanlon

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Buisman replied the notice signs were posted and comments were received. He explained the Hanlon family owns the property (Henry Hanlon) and the properties have merged in title. He explained they have not completed a thorough boundary survey and have shifted some property lines to allow for a parking space for 114 Nottingham in addition to constructing one parking space to the left of 108 Nottingham Street.

There were no questions from the Committee.

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 C. Downer and seconded by A. Diamond,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 259, Canada Company Survey, municipally known as 114 Nottingham Street, a parcel, triangular in shape, with a frontage along Nottingham Street of 21.5 metres and a depth along Bristol Street of 29.5 metres, be approved, subject to the following conditions:

1. That prior to endorsement of deeds, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of a covered porch with associated wood stairs, wood railings, wood posts, roof eaves and associated roof water leaders at 108 and 110 Nottingham Street and 114 Nottingham Street that encroaches onto the Nottingham Street road allowance.
2. That prior to endorsement of deeds, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of a wood deck with associated wood stairs and wood railings and a portion of the existing garage at 114 Nottingham Street that encroaches onto the Bristol Street road allowance.
3. That the owner pays the actual cost of the construction of the new driveway entrance at 108 Nottingham Street (the retained lands), with the estimated cost of the above-noted works as determined by the General Manager/City Engineer being paid, prior to endorsement of the deeds.
4. That a legal off-street parking space be created on 108 and 110 Nottingham Street (the retained lands) behind the front wall of the building, prior to endorsement of the deeds.
5. That a legal off-street parking space be created on 114 Nottingham Street (the severed lands) behind the front wall of the building, prior to endorsement of the deeds.
6. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to May 17, 2014.
7. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
8. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
9. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

**Application:** A-51/13  
**Owner:** Heather, Janice and Adrian van Eck  
**Agent:** Adrian van Eck  
**Location:** 52 Paulstown Crescent  
**In Attendance:** Adrian van Eck

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Van Eck replied the notice sign was posted and comments were received from staff. He explained the house was originally constructed too high and they were advised by the builder after the foundation was poured. They are requesting the variance to provide access to an existing side door.

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 A. Diamond and seconded by C. Downer,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7 Row 1 of Zoning By-law (1995)-14864, as amended, for 52 Paulstown Crescent, to permit an uncovered porch and stairs to be setback 0.1 metres (0.32 feet) from the left side yard lot line when the By-law requires a minimum side yard setback of 0.6 metres (1.97 feet), be approved.”

Carried

**Application:** A-56/13  
**Owner:** 1210967 Ontario Ltd.  
**Agent:** Bill Lin  
**Location:** 808 York Road

**In Attendance:**        **Bill Lin**  
                                 **Andrew Jackson**  
                                 **Paul Jackson**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Lin replied the notice sign was posted and comments were received. He distributed a submission to Committee members and staff and explained the improvements that have occurred on the property since they purchased it. He requested permission to locate an office in one of the units.

The Committee reviewed the submissions and had no further questions.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by B. Birdsell and seconded by A. Diamond,

“THAT in the matter of an application under Section 45(2)(a)(ii) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to change the legal non-conforming use at 808 York Road, to occupy a 78 square metre (840 square foot) unit which was previously occupied by an antique store to an office, be approved.”

Carried

Committee member L. McNair arrived at the meeting at 4:30 p.m.  
He advised he had no declarations of pecuniary interest.

**Application:**        **A-55/13**

**Owner:**            **Christopher Jack Dearing Estate**

**Agent:**            **FOF Capital Corp.; Andrew Amlinger**  
                                 **J. David McAuley Architects; Joel Bartlett**

**Location:**        **109 Norfolk Street**

**In Attendance:**    **Andrew Amlinger**  
                                 **Joel Bartlett**

**Gabe Frank  
Ian Panabaker**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Amlinger explained they currently have an offer to purchase on the property and plan to renovate the building to provide offices in the entire building. He explained the proposal complies with the secondary plan principals and will result in economic viability in the downtown.

Planner M. Witmer advised he discussed need for a tree preservation plan on the subject property and noted the City's environmental planner identified a large tree adjacent to the parking and she wants to ensure it is protected.

Committee member L. McNair noted the Central Business District surrounds this property which does not require any parking.

Planner M. Witmer agreed with the Committee and noted this is why Planning Services recommend approval of this 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 L. McNair and seconded by C. Downer,

"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 4.13.2.3, 4.13.3.2.3 and 4.13.4.3 of Zoning By-law (1995)-14864, as amended, for 109 Norfolk Street, to occupy the entire building with office uses, and,

- a) to permit three off-street parking spaces to be located within 3 metres of the Yarmouth Street street line when the By-law requires that no off-street parking be permitted within 3 metres of any street line;
- b) to permit the off-street parking spaces with a width of 2.5 metres when the By-law requires that off-street parking spaces have a minimum width of 2.75 metres, and,
- c) to permit a total of 3 off-street parking spaces when the By-law requires a total of 9 off-street parking spaces for office use.



be approved, subject to the following conditions,

1. That the owner pays the actual cost of the construction of the new driveway entrance and the required curb cuts and curb fills including the reconstruction of the pedestrian sidewalk across the new driveway entrance if required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
2. That prior to the issuance of a building permit a tree preservation plan shall be submitted to the satisfaction of the General Manager of Planning Services.”

Carried

**Application:** A-50/13

**Owner:** Dira Construction Ltd.

**Agent:** Bob Foster

**Location:** 70 Yorkshire Street South

**In Attendance:** Ben DiRenzo  
Bob Foster  
Paul DiRenzo

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Foster replied the notice sign was posted and comments were received from staff. He explained the property is located on the corner of Yorkshire Street and Bristol Street and was constructed in 1982 by the current owners. He noted the building is 30 years old and a new roof is necessary. He advised the owner wants to construct a pitched roof which is more sustainable and can provide better insulation, however it will change the building height, requiring a greater side yard. He noted there will be no physical change to the side yards.

There were no questions from the Committee.

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 A. Diamond and seconded by B. Birdsell,

“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 5.4.2 Row 8 of Zoning By-law (1995)-14864, as amended, for 70 Yorkshire Street South, to replace a flat roof with a gable roof creating an increase in building height of 1.37 metres (4.5 feet), and to permit a side yard of 3.14 metres (10.25 feet) when the By-law requires that where windows of a habitable room face on a side yard, such side yard shall have a minimum width of not less than 7.5 metres (24.60 feet), be approved, subject to the following condition:

1. That the minor variance be granted in accordance with the sketch submitted to the Secretary Treasurer of the Committee of Adjustment illustrating the existing building location with a side yard setback ranging from 3.14 metres to 4.64 metres.”

Carried

**Application:** A-52/13

**Owner:** Armel Corporation Inc.

**Agent:** B.A.R.A. Consulting, Brian Atkins

**Location:** 612 Speedvale Avenue West

**In Attendance:** Connie Levy  
Tony Levy  
Brian Atkins

Mr. B. Atkins replied that the sign was posted and the staff comments were received. He explained that he received the staff comments on Friday and was surprised to see engineering staff to state several issues. He further explained that they did not have enough time to respond back to the issues mentioned. He advised that engineering staff has asked for deferral so that a discussion can occur regarding the issues. He noted that they are agreeing to the deferral request from the City. He advised that these issues are not related to the property in question but to the property next door which is also owned by the same owner.

Chair R. Funnell informed the members of public attending that the agent is agreeing with the City's recommendation to defer the application until the issues are dealt with.

Mr. B. Atkins commented that he has already made a couple of phone calls to the members of the public who commented on the application advising them that it was expected that the application will be deferred and not to bother to come to the meeting.

Planner M. Witmer advised that several of the issues relate to the site plan and staff, including engineering, will discuss this with the applicant.

Committee member L. McNair questioned if a deferral for 120 days is sufficient.

Mr. B. Atkins replied that he agrees with the 120 days.

Moved by L. McNair and seconded by A. Diamond,

“THAT Application A-52/13 for Armel Corporation Inc. at 612 Speedvale Avenue West, be deferred until September 15, 2013, to provide the applicant an opportunity to address concerns and deficiencies with the existing site plan and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

**Application:** A-57/13  
**Owner:** Karen and Barbara Whyllie  
**Agent:** Lillepold Architect; Marty Lillepold  
**Location:** 113 Glasgow Street North  
**In Attendance:** Marty Lillepold

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. M. Lillepold replied that the sign was posted and the staff comments were received. He explained that the staff comments mentioned only one condition and he had no other comments to add.

Planner M. Witmer commented that Heritage Guelph has provided a comment regarding this application after their meeting of May 13, 2013. He explained that Heritage Guelph has no concerns however they would like to review the final drawings prior to issuance of a building permit.

Committee member L. McNair commented that the wording of the Planning Services condition seems incorrect. He explained that the applicant has now applied for a minor variance and therefore the comment should be changed to say “That Heritage Guelph review and comment on the final design drawings prior to the issuance of a building permit.”

Planner M. Witmer explained that City's Senior Heritage Planner wanted to add the condition as per the wording on his email. He further explained that this property is not listed on the heritage registry but the adjacent property has been designated and according to their policy they need to review adjacent properties for any issues.

Mr. M. Lillepold commented that he has not run into a situation before where a neighbouring property has an effect.

Planner M. Witmer replied that the direction comes from the Provincial Policy Statement.

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. McNair and seconded by A. Diamond,

"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 and 8 of Zoning By-law (1995)-14864, as amended, for 113 Glasgow Street North, to permit a 5.21 metre by 6.08 metre addition to the residential unit for an attached garage to be located 3 metres (9.84 feet) from the rear lot line and 0.61 metres (2 feet) from the side lot line when the By-law requires a minimum rear yard of 6.5 metres (21.52 feet) and a minimum side yard of 1.5 metres (4.92 feet), be approved.

Subject to the following condition:

1. That Heritage Guelph Review and comment on the final design drawings prior to the issuance of a building permit."

Carried

**Application:** A-49/13  
**Owner:** Christina Gray  
**Agent:** n/a  
**Location:** 25 Raglan Street  
**In Attendance:** Christina Gray

**Amy Gray**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. A. Gray replied that the sign was posted and the staff comments were received. She explained that they are asking for a parking variance in conjunction with an existing accessory apartment. She further explained that they are asking for the Committee to allow the street parking to count as part of the parking requirements they require. She commented that zoning staff stated that the parking has to be located on the subject property. She continued by commenting that the old lots are too narrow and therefore requires on-street parking. She noted that year round parking is permitted on the street. She also noted that the house has not changed since the 1930's and one vehicle fits perfectly on the property. She explained that the accessory apartment was created in 1992 by the previous property owner. She commented that after a discussion with the City's Zoning Inspector, she understands that due to the age of the apartment, they would only need to pass the safety requirements. She noted that by using the on-street parking they are able to provide three parking spaces. She passed along a petition in support of the application and mentioned that the neighbours would not be impacted by them using parking on the street. She explained that there is a railway opposite their property which provides ample parking on the street since there are no houses on that side of the street. She also explained that the soft landscaping will not be affected because the street parking already exists. She commented that this is a desirable use of the property and the high quality apartment attracts young professionals. She also commented that they are maintaining the general intent and purpose of the Zoning By-law because the use is permitted. She noted that the Official Plan mentions flexibility to maintain affordable housing and the City shall provide for the creation of accessory apartments, low impact housing forms for the lower density residential areas.

Committee member L. McNair questioned whether the applicant has proof that the apartment was created in 1992 and if there were any permits acquired.

Ms. A. Gray replied that they have an affidavit from the previous owner to indicate the year but there were no permits issued.

The Committee viewed the affidavit submitted by the applicant.

Planner M. Witmer explained that the accessory apartment is not considered to exist until it has been legally created.

Chair R. Funnell questioned if the applicant investigated if the apartment was legally created.

Ms. C. Gray replied that they did not and only assumed it was legal.

Committee member L. McNair commented that it seems that the sight line triangle indicates that there is no place to park a vehicle in front of the house.

Planner M. Witmer replied that you are not allowed to park a vehicle in the sight line triangle but there is a section in the Zoning By-law which allows for one off-street parking space in the front yard provided that the parking space is located 3.5 metres from the side lot line.

Committee member L. McNair commented that there is adequate parking on the street and they could park two vehicles across the street where there are no restrictions on street parking and no residences.

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. McNair and seconded by B. Birdsell,

“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 4.13.4.3 of Zoning By-law (1995)-14864, as amended, for 25 Raglan Street,

- a) to permit one legal off-street parking space when the By-law requires that a total of three off-street parking spaces be provided for a dwelling with an accessory unit, and
- b) to permit the one off-street parking space to be located ahead of the front wall of the main building, 0.14 metres (0.45 feet) from the front property line, when the By-law requires that in a R.1 zone, every required parking space shall be located a minimum distance of 6 metres (19.68 feet) from the front property line and to the rear of the front wall of the main building,

be approved.

Reasons for approval being:

- 1. There is the availability to park on the street,
- 2. There would be no adverse impact,
- 3. Edinburgh Road and Paisley Road are well serviced with bus routes, and
- 4. The apartment has existed for 20 years.”

Carried

**Application:** A-53/13  
**Owner:** Theresa Shelton  
**Agent:** n/a  
**Location:** 172 Arthur Street North  
**In Attendance:** Theresa Shelton  
Marcel Schlaf

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. T. Shelton replied that the sign was posted and the staff comments were received. She explained that she is constructing an addition which requires the approval of Grand River Conservation Authority (GRCA) because the dwelling is located in the flood zone.

Planner M. Witmer commented that the construction began without a building permit and GRCA indicated that the main floor cannot have windows or doors but have to remain open. He explained that Planning Services staff is recommending approval of the application subject to the condition.

Mr. M. Schlaf, owner of 166 Arthur Street North, explained that he is speaking in favour of the application. He commented that the new property owner has gutted and renovated the dwelling. He further commented that a garage used to be located where the addition is going and this was used as an oil change pit. He explained that the new owner has removed multiple invasive tree species and a derelict shed. He noted that this is a positive development in the neighbourhood.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by A. Diamond and seconded by C. Downer,

“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 extend the legal non-conforming use for 172 Arthur Street North, with a 45 square metre (480 square foot) two storey addition which is located 2.82 metres (9.25 feet) from the left side yard property line and 8.6 metres (28.21 feet) from the rear yard property line, be approved,

subject to the following condition:

1. That the ground floor area of the addition be an open air structure with no windows or doors in accordance with the conditions of the Grand River Conservation Authority permit.“

Carried

**Application:** A-54/13  
**Owner:** Janet Morton and Colin Couch  
**Agent:** n/a  
**Location:** 116 Johnston Street  
**In Attendance:** Janet Morton  
Colin Couch

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. Morton replied that the sign was posted and the staff comments were received. She explained that they moved to the neighbourhood 18 years ago and have now outgrown the house. She further explained that they either need to move out or expand. She commented that they like the neighbourhood and would rather stay.

There were no questions from the members of the Committee.

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 A. Diamond and seconded by C. Downer,

“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 4.6.1 i), Table 5.1.2 Rows 6 and 7, Section 5.1.2.4, Section 4.5.1 and Section 4.20.9 of Zoning By-law (1995)-14864, as amended, for 116 Johnston Street,

- a) to construct a 3.65 metre by 6.12 metre second storey addition to the rear of the dwelling in line with the existing building wall to be located 0.64 metres (2.12



- feet) from the left side lot line and 0.7 metres (2.31 feet) from the right side lot line when the By-law requires a minimum side yard of 1.5 metres (4.92 feet);
- b) to construct a 2.43 metre by 2.43 metre mudroom addition to the rear of the dwelling to be located 0.7 metres (2.31 feet) from the right side lot line when the By-law requires a minimum side yard of 1.5 metres (4.92 feet);
  - c) to construct a 5.86 metre by 4.87 metre detached accessory structure behind the main dwelling to be located 1.06 metres (3.5 feet) from the right rear lot line (adjacent to a public lane) and 0.6 metres (2 feet) from the rear lot line (adjacent to a public lane), and within a corner sight line triangle and in a front yard of a through lot, when the By-law requires that no accessory structure be located within the corner sight line triangle and that no accessory building be located in a front yard (through lot) or in a required exterior side yard [4.5 metres (14.76 feet)] and any building constructed on a through lot be setback the same as the nearest adjacent main building [18.8 metres (62 feet) from the rear lot line], and
  - d) to permit a 1.82 metre (6 foot) high solid board fence extending along the exterior side lot line (adjacent to a public lane) up to the front corner of the proposed accessory structure when the By-law permits a maximum fence height of 0.8 metres (2.62 feet),

be approved, subject to the following conditions:

1. That the owner shall remove the existing board fence from the laneway right-of-way, prior to the issuance of any building permits.
2. That the detached accessory structure not be used for human habitation, parking, or a home occupation.”

Carried

**Application:** A-48/13

**Owner:** Zbigniew Pawelec

**Agent:** Tomasz Kedzior

**Location:** 28 Rodgers Road

**In Attendance:** Lorne Pennington  
Jen Martin  
Tomasz Kedzior  
Geza Simon  
Mischa Skoropad  
Grant Perry

May 14, 2013 C of A Minutes

Mr. T. Kedzior explained that he had a discussion with the City's planner and would like to ask for a deferral of the application for one month.

Planner M. Witmer commented that staff agrees with the request for a deferral. He expressed concern that one month might not be enough time to resolve the issue.

Committee member L. McNair advised the applicant that if the Committee gives him three months for a deferral, he does not have to wait that long to return.

Chair R. Funnell explained that they do not want to get into a lot of dialogue regarding the application due to some members not being present.

Committee member C. Downer questioned staff how the issue of 56 metre separation distance is resolved with a deferral of the application.

Planner M. Witmer replied that the owner submitted a letter explaining a legal case from St. Catharine's regarding common lease and human rights. He explained that this is a fairly recent case and that he would need to investigate this further.

Ms. J. Martin, a neighbouring property owner, commented that according to the rental advertisement, six rooms are being advertised which means that it is not under a common lease.

Committee member A. Diamond commented that she would like to hear the application.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. T. Kedzior replied that he posted the sign several times because it kept falling down. He also replied that he did receive the staff comments. He explained that after talking with the City's Planner he would prefer to defer the application. He commented that if the Committee would prefer to hear the application instead, he can agree to that.

After a brief discussion, the Committee members agreed that they would like to hear the application.

Committee member L. McNair commented that after reading the law case from St. Catharine's, perhaps the Committee is not dealing with a lodging house and it is hard to make a decision on the application.

Planner M. Witmer commented that staff would like to have the opportunity to investigate this matter further.

The Secretary-Treasurer commented that she believes the St. Catharine's case has also been discussed in the building department in relation to the regulations under the Ontario Building Code.

Mr. M. Skoropad of 35 Rodgers Road commented that there are numerous rental properties already on Rodgers Road. He explained that the situation has gotten worse over the years. He commented that it is difficult for landlords to evict renters due to the regulations under the Landlord and Tenant Act. He also commented that adding a six person lodging house will be detrimental to the neighbourhood.

Mr. L. Pennington of 26 Rodgers Road mentioned that he has noticed increase of garbage on the property and the dwelling is already used by six tenants. He commented that he has received 47 signatures on a petition which he handed over to the Committee members.

Mr. G. Perry of 36 Rodgers commented that they already have problems with the increase in noise, shopping carts and beer bottles on his property.

Ms. J. Martin of 15 Rodgers Road commented that the expectation is that everyone complies with the zoning regulations. She explained that there currently exist four lodging houses within 30 metres of her property. She noted that she did not see a sign on the property informing of the application. She commented that she objects to any variance to the current by-law.

Mr. T. Kedzior explained that the neighbours do have the option of complaining to the City if the by-laws are not being followed. He commented that there is no connection to Sidney Crescent from Rodgers Road and should not have an effect. He noted that he placed the variance sign on a tree on the first day and was not able to control the sign being up 24 hours. He explained that currently the dwelling is rented to a family of five.

Committee member C. Downer commented that if the application is refused, he cannot to rent to six individuals in the future.

Planner M. Witmer commented that if a family is currently living in the dwelling, a variance might not be required. He further commented that a deferral of the application is required.

Mr. T. Kedzior explained that he would like to defer the application because he would want to be clear in the future what is going on. He commented that he cannot guarantee how long the family will reside in the house. He noted that he would like the opportunity to meet with the City's Planner to discuss the issue and defer 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 C. Downer and seconded by A. Diamond,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.25 Row 3 of Zoning By-law (1995)-14864, as amended, for 28 Rodgers Road, to permit a six bedroom lodging house in a single detached dwelling within 56 metres of an existing lodging house located at 40 Sidney Crescent when the By-law requires that a minimum separation between buildings being used as a Lodging House Type 1 shall be 100 metres, measured from the closest points of the two properties at the property line, be refused.

Reasons for refusal being:

1. The circumstances are not exceptional,
2. The 56 metre separation distance is not minor in nature as the neighbourhood is already dense due to student housing.”

Carried

The meeting adjourned at 7:35 p.m.

R. Funnell  
Chair

Kim Fairfull, ACST  
Secretary Treasurer

Minna Bunnett, ACST(A)  
Assistant Secretary-Treasurer

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday June 11, 2013 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell – Vice-Chair  
J. Hillen (until 5:45 p.m.)  
C. Downer  
D. Kelly, Chair

Regrets: L. McNair  
B. Birdsell  
A. Diamond

Staff Present: M. Innocente, Planner  
K. Fairfull, Secretary-Treasurer  
M. Bunnett, Assistant Secretary-Treasurer

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Meeting Minutes

Moved by R. Funnell and seconded by C. Downer,

“THAT the Minutes from the May 14, 2013 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

The Secretary-Treasurer advised that an appeal was received on June 3, 2013 for Application A-48/13 at 28 Rodgers Road being refusal of a separation distance for a lodging house.

The Secretary-Treasurer advised that an Ontario Municipal Board hearing has been scheduled for Application A-53/10 at 381-385 Elmira Road North. The appeal will be heard on Thursday, July 25, 2013 at meeting room 112 at City Hall. The application was for a permitted use variance which was approved by the Committee. The conditions were appealed by the applicant.

The Secretary-Treasurer advised that an Ontario Municipal Board hearing has been scheduled for Application A-46/13 at 310 Cole Road. The appeal will be heard on Friday July 26, 2013 at meeting room 112 at City Hall. The application was for off-street parking which was refused by the Committee.

Chair D. Kelly explained education she received at the conference related to giving reasons and talked about Committee structures and Committee remuneration.

Chair D. Kelly updated the Committee on the progress of a meeting with City staff.

**Application:** B-26/13, B-27/13, B-28/13

**Owner:** Buisman, Luke/Janine/Sharon/Jeff, McDaniel/Williams/Dickson/Gaskell

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

**Location:** 15, 21 and 25 Preston Street

**In Attendance:** Janine Buisman  
Jeff Buisman

Chair D. Kelly noted a sign is not required.

Mr. Buisman explained he received comments from staff. He noted the larger parcel has some contamination and they are waiting for the Record of Site Condition from MOE.

Application B-26/13

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 R. Funnell and seconded by C. Downer,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 16, Registered Plan 314, (Proposed Severance #1 on a severance sketch prepared by Van Harten Surveying Inc., project No. 19913-11, dated May 7, 2012), being part of the lands municipally known as 15 Preston Street, a parcel with a width of 3.77 metres (12.36 feet) and depth of 39.11 metres (128.31 feet) as a lot addition to 17 Preston Street, be approved, subject to the following conditions:

1. That the proposed severed parcel of land be conveyed to the abutting owner as a lot addition only (Form 3 Certificate).
2. That the following covenant is incorporated in the deed:

"The conveyance of (Severed Lands - legal description - Lot and Plan), City of Guelph, County of Wellington, designated as (Part and 61R-Plan Number) as a lot addition only to (Legal Description of Lands to be joined with - Lot and Plan), and shall not be conveyed as a separate parcel from (Legal Description of Lands to be joined with - Lot and Plan)."
3. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage across the entire frontage of Proposed Severance #1 for 12.36-feet (3.77 metres) prior to endorstation of the deeds.
4. That the owner shall be responsible for the estimated costs associated with the construction of a concrete sidewalk across the entire frontage of the said lands and the extension of the sidewalk to the existing sidewalk in front of 13 Preston Street, as determined by the General Manager/City Engineer, prior to endorstation of the deeds. Upon completion of accounting, the owner agrees to pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice by the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
5. That the owner shall locate the position of the sanitary sewer lateral that served the warehouse and be responsible for the entire cost of removing the existing sanitary sewer lateral from the point where the existing sanitary sewer lateral connected to the warehouse and the neighbouring property line of 15 Preston Street, satisfactory to the Plumbing Inspector, prior to endorstation of the deeds.
6. That the owner pays the actual cost of constructing a storm service lateral and catch basin to 15 Preston Street including the cost of any curb cuts or fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to endorstation of the deeds.
7. That the owner shall remove the frame shed, concrete pad, portion of the gravel driveway located on the lands to be severed, prior to endorstation of the deeds.
8. That the owner constructs a driveway and legal off-street parking space for 15 Preston Street satisfactory to the General Manager/City Engineer, prior to endorstation of the deeds.

9. That the owner shall pay for the actual cost of the construction of the new driveway entrances and the required curb cuts and curb fills for 15 Preston Street as determined by the General Manager/City Engineer, with the estimated cost of the works being paid, prior to the endorstation of the deeds.
10. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
11. The owner shall demonstrate to the City that the lands have been decommissioned in accordance with the current MOEE "Guidelines for Use at Contaminated Sites in Ontario" and the owner has filed a record of site condition, prior to the endorstation of the deeds.
12. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to June 14, 2014.
13. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
14. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
15. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

Application B-27/13

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 R. Funnell and seconded by C. Downer,

“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 Lots 16 and 17, Registered Plan 314, (Proposed Severance #3 on a severance sketch prepared by Van Harten Surveying Inc., project No. 19913-11, dated May 7, 2012) to be known as 21 Preston Street, a parcel with a frontage of 12.75 metres (41.83 feet) and a depth of 38.39 metres (125.95 feet) and 39.11 metres (128.31 feet), be approved subject to the following conditions:

1. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage across the entire frontage of 17, 21 and 25 Preston Street for 114.27 feet (34.83 metres), prior to endorsation of the deeds.
2. That prior to the issuance of any building permits on the said lands and/or prior to the construction of the manholes, the box culvert will have to be unearthed and inspected to determine whether the box culvert is acceptable to remain in place, to the satisfaction of the General Manager/City Engineer. If the box culvert is determined not to be acceptable, the property owners will be responsible to replace the box culvert in it's entirely on 21 Preston Street and the proposed retained lands (17 Preston Street), to the satisfaction of the General Manager/City Engineer.
3. That prior to the issuance of any building permits on the said lands, the owner shall enter into an agreement, registered on title, with any future purchasers of 17 and 21 Preston Street, that any repair and maintenance of the box culvert/creek if required will be the responsibility of the future owners of the said lands.
4. That prior to the issuance of any building permits on the said lands, the owner will be responsible to provide a manhole on the box culvert/creek in the front yard and the rear yard of 17 Preston Street, for maintenance and inspection of the box culvert.
5. That the owner shall be responsible for the estimated costs associated with the construction of a concrete sidewalk across the entire frontage of the said lands and the extension of the sidewalk to the existing sidewalk in front of 13 Preston Street, as determined by the General Manager/City Engineer, prior to endorsation of the deeds. Upon completion of accounting, the owner agrees to pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice by the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
6. That the owner applies for sanitary and water service laterals and pays the rate in effect at the time of application for the cost of the construction of sanitary and

- water service laterals including any curb cuts and curb fills, prior to the issuance of any building permits.
7. That the owner shall locate the position of the sanitary sewer lateral that served the warehouse and be responsible for the entire cost of removing the existing sanitary sewer lateral from the point where the existing sanitary sewer lateral connected to the warehouse and the neighbouring property line of 15 Preston Street, satisfactory to the Plumbing Inspector, prior to endorsation of the deeds.
  8. That the owner shall pay for the actual cost of the construction of the new driveway entrances and the required curb cuts and curb fills on the proposed severed lands (21 Preston Street) and the proposed retained lands (17 Preston Street), as determined by the General Manager/City Engineer, with the estimated cost of the works being paid, prior to the issuance of a building permit.
  9. The owner shall pay for the actual costs associated with the removal of the existing gravel pavement and gabion retaining wall in the boulevard, the reconstruction of the boulevard and replacing the gravel pavement and gabion retaining wall with topsoil and sod, with the estimated cost of the works being paid, prior to endorsation of the deeds.
  10. That the owner remove gabion retaining wall, wood fence and the existing storm sewer including the catchbasin from the lands to be retained (17 Preston Street) to the satisfaction of the General Manager of Planning and the General Manager/City Engineer, prior to issuance of any building permit.
  11. That prior to the issuance of a building permit on the proposed severed lands (21 Preston Street) and the proposed retained lands (17 Preston Street), the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
  12. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsation of the deeds.
  13. That the owner constructs the buildings at such an elevation that the lowest level of the buildings can be serviced with a gravity connection to the sanitary sewer.
  14. The owner shall create a legal off-street parking space on the proposed severed lands (21 Preston Street) and on the proposed retained lands (17 Preston Street) at a minimum setback of 6-metres from the property line at the street.

15. That the owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of 17 and 21 Preston Street, prior to the issuance of any building permits.
16. That prior to building or endorsation of the deed, the owner / applicant makes arrangement for the hydro servicing of the three newly created lots via underground services, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
17. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
18. That the elevation and design drawings for the new dwelling on 17 and 21 Preston Street, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
19. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwellings on 17 and 21 Preston Street indicating:
  - a. The location and design of the new dwelling;
  - b. All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
  - c. The location of the new dwelling with a setback that is in character with the surrounding area;
  - d. Grading, drainage and servicing information.
20. That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services.
21. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to

- time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
22. That the applicant shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorstation of the deeds, at the rate in effect at the time of the endorstation.
  23. That a Noise and Vibration attenuation study, in keeping with the requirements of Section 8.2.31 of the Official Plan, be submitted to the satisfaction of the Director of Planning and Development Services, prior to the endorstation of the deeds. Further, the owner shall incorporate all recommended noise and vibration attenuation measures into the design of the new dwellings or lots to the satisfaction of the Director of Planning and Development Services.
  24. That a noise and vibration study will be completed as well as implementation of its recommendations to satisfy the requirements of Canadian National Railway.
  25. That the owner shall enter into an agreement with CN to ensure whatever mitigation measures implemented are maintained, including a 1.8 metre chain link fence along the property line for trespass. If the noise report recommends a noise barrier and it is constructed on the property line, the chain link fence would be redundant.
  26. The owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
  27. The owner shall demonstrate to the City that the lands have been decommissioned in accordance with the current MOEE "Guidelines for Use at Contaminated Sites in Ontario" and the owner has filed a record of site condition, prior to the endorstation of the deeds.
  28. That prior to endorstation of the deeds, the owner enters into an Engineering Services Agreement for the said lands with the City, satisfactory to the General Manager/City Engineer and the City Solicitor, which includes all requirements, financial and otherwise, to the satisfaction of the City of Guelph.
  29. That prior to endorstation of the deeds, the owner shall enter into an agreement for the said lands with the City, registered on title, satisfactory to the General Manager/City Engineer agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.

30. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to June 14, 2014.
31. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
32. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
33. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk.”

Carried.

Application B-28/13

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 R. Funnell and seconded by C. Downer,

“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 Lots 16 and 17, Registered Plan 314, (Proposed Severance #2 on a severance sketch prepared by Van Harten Surveying Inc., project No. 19913-11, dated Mat 7, 2012) to be known as 25 Preston Street, a parcel with a lot frontage of 13.1 metres (42.97 feet) and depth of 39.11 metres (128.31 feet) and 40.08 metres (131.49 feet), be approved subject to the following conditions:

1. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage across the entire frontage of 17, 21 and 25 Preston Street for 114.27 feet (34.83 metres), prior to endorsement of the deeds.

2. That prior to the issuance of any building permits on the said lands and/or prior to the construction of the manholes, the box culvert will have to be unearthed and inspected to determine whether the box culvert is acceptable to remain in place, to the satisfaction of the General Manager/City Engineer. If the box culvert is determined not to be acceptable, the property owners will be responsible to replace the box culvert in it's entirely on 21 Preston Street and the proposed retained lands (17 Preston Street), to the satisfaction of the General Manager/City Engineer.
3. That the owner shall be responsible for the estimated costs associated with the construction of a concrete sidewalk across the entire frontage of the said lands and the extension of the sidewalk to the existing sidewalk in front of 13 Preston Street, as determined by the General Manager/City Engineer, prior to endorstation of the deeds. Upon completion of accounting, the owner agrees to pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice by the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
4. That the owner applies for sanitary and water service laterals and pays the rate in effect at the time of application for the cost of the construction of sanitary and water service laterals including any curb cuts and curb fills, prior to the issuance of any building permits.
5. That the owner shall locate the position of the sanitary sewer lateral that served the warehouse and be responsible for the entire cost of removing the existing sanitary sewer lateral from the point where the existing sanitary sewer lateral connected to the warehouse and the neighbouring property line of 15 Preston Street, satisfactory to the Plumbing Inspector, prior to endorstation of the deeds.
6. That the owner shall pay for the actual cost of the construction of the new driveway entrances and the required curb cuts and curb fills on the proposed severed lands (25 Preston Street) and the proposed retained lands (17 Preston Street), as determined by the General Manager/City Engineer, with the estimated cost of the works being paid, prior to the issuance of a building permit.
7. The owner shall pay for the actual costs associated with the removal of the existing gravel pavement and gabion retaining wall in the boulevard, the reconstruction of the boulevard and replacing the gravel pavement and gabion retaining wall with topsoil and sod, with the estimated cost of the works being paid, prior to endorstation of the deeds.
8. That the owner remove gabion retaining wall, wood fence and the existing storm sewer including the catchbasin from the lands to be retained (17 Preston Street) to

- the satisfaction of the General Manager of Planning and the General Manager/City Engineer, prior to issuance of any building permit.
9. That prior to the issuance of a building permit on the proposed severed lands (25 Preston Street) and the proposed retained lands (17 Preston Street), the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
  10. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorstation of the deeds.
  11. That the owner constructs the buildings at such an elevation that the lowest level of the buildings can be serviced with a gravity connection to the sanitary sewer.
  12. The owner shall create a legal off-street parking space on the proposed severed lands (25 Preston Street) and on the proposed retained lands (17 Preston Street) at a minimum setback of 6-metres from the property line at the street.
  13. That the owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of 17 and 25 Preston Street, prior to the issuance of any building permits.
  14. That prior to building or endorstation of the deed, the owner / applicant makes arrangement for the hydro servicing of the three newly created lots via underground services, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
  15. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
  16. That the elevation and design drawings for the new dwelling on 17 and 25 Preston Street, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
  17. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwellings on 17 and 25 Preston Street indicating:
    - a. The location and design of the new dwelling;

- b. All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
  - c. The location of the new dwelling with a setback that is in character with the surrounding area;
  - d. Grading, drainage and servicing information.
18. That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services.
19. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
20. That the applicant shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsation of the deeds, at the rate in effect at the time of the endorsation.
21. That a Noise and Vibration attenuation study, in keeping with the requirements of Section 8.2.31 of the Official Plan, be submitted to the satisfaction of the Director of Planning and Development Services, prior to the endorsation of the deeds. Further, the owner shall incorporate all recommended noise and vibration attenuation measures into the design of the new dwellings or lots to the satisfaction of the Director of Planning and Development Services.
22. That a noise and vibration study will be completed as well as implementation of its recommendations to satisfy the requirements of Canadian National Railway.
23. That the owner shall enter into an agreement with CN to ensure whatever mitigation measures implemented are maintained, including a 1.8 metre chain link fence along the property line for trespass. If the noise report recommends a noise barrier and it is constructed on the property line, the chain link fence would be redundant.



24. The owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
25. The owner shall demonstrate to the City that the lands have been decommissioned in accordance with the current MOEE "Guidelines for Use at Contaminated Sites in Ontario" and the owner has filed a record of site condition, prior to the endorsonation of the deeds.
26. That prior to endorsonation of the deeds, the owner enters into an Engineering Services Agreement for the said lands with the City, satisfactory to the General Manager/City Engineer and the City Solicitor, which includes all requirements, financial and otherwise, to the satisfaction of the City of Guelph.
27. That prior to endorsonation of the deeds, the owner shall enter into an agreement for the said lands with the City, registered on title, satisfactory to the General Manager/City Engineer agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
28. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to June 14, 2014.
29. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
30. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
31. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried.

**Application:** B-20/13

**Owner:** University of Guelph

**Agent:** University of Guelph, Mary Childs

**Location:** 411 Gordon Street

**In Attendance:** Mary Childs

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. Childs advised a new building was constructed and they are now formalizing an easement in favour of Guelph Hydro.

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 C. Downer and seconded by J. Hillen,

“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 an easement over Part Lot 6, Concession 3, Division ‘G’, more particularly described as Part 1 on Reference Plan 61R-11519, being part of the lands municipally known as 411 Gordon Street, an easement with a width of 9.6 metres along Gordon Street and a depth of 11.2 metres, to protect a lid for an inground vault and hydro pad for the provision of hydro services, be approved, subject to the following conditions:

1. That prior to endorstation of the deeds, the servient tenement, The University of Guelph, 411 Gordon Street, Lot 6, Concession 3, Division “G”, grants an easement 9.6-metres (31.5 feet) along Gordon Street by a depth of 11.2-metres (36.75 feet), being Part 1 on the applicant’s draft sketch registered on title, in favour of the dominant tenement (Guelph Hydro), for protection of an inground vault and hydro pad..
2. That prior to endorstation of the deeds, the owner of 411 Gordon Street (Lot 6, Concession 3, Division “G”), shall have an Ontario Land Surveyor prepare a reference plan identifying the easement.
3. That prior to endorstation of the deeds, the owner’s solicitor of 411 Gordon Street (Lot 6, Concession 3, Division “G”), certifies that the easement in favour of Guelph

Hydro, being Part 1 on the applicant's plan of survey, has been granted and registered on title.

4. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to June 14, 2014.
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 endorsement of the deed.
6. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
7. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried.

**Application:**            **A-63/13**

**Owner:**                **Forestell Inc.**

**Agent:**                 **Kevin Forestell**

**Location:**            **836 Southgate Drive**

**In Attendance:**       **Tom Forestell**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Forestell replied the notice sign was posted and comments were received.

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 R. Funnell and seconded by C. Downer,

“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 4.21.1 of Zoning By-law (1995)-14864, as amended, for 836 Southgate Drive, to permit a farm / vegetable stand as an occasional use to be located in the exterior side yard in a 3.04 metre by 3.04 metre tent when the By-law does not permit an occasional use in the Industrial Zone, be approved.”

Carried.

**Application:**            **A-69/13**  
**Owner:**                 **The Granary Building Ltd.**  
**Agent:**                 **Kirk Roberts, The Granary Building Ltd.**  
**Location:**            **111 Farquhar Street**  
**In Attendance:**       **Kirk Roberts**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Roberts replied the notice sign was posted and comments were received from staff. He was available for any questions.

There were no questions from the Committee.

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 C. Downer and seconded by J. Hillen,

“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 4.13.1, 4.13.2.3

and 6.3.1.1 of Zoning By-law (1995)-14864, as amended, for 111 Farquhar Street, to establish an office use in the basement area of the building and to permit 0 off-street parking spaces on the property and to provide 106 leased parking spaces on adjoining lands when the By-law requires off-street parking to be provided on the same lot as the use requiring the parking (74 off-street parking spaces required), be approved, subject to the following condition:

1. That the applicant revise and update the existing development agreement registered on title to reflect the changed conditions.”

Carried.

**Application:** A-62/13

**Owner:** Jennifer Sim and Stephen Duckworth

**Location:** 13 Cathcart Street

**In Attendance:** Steve Duckworth  
Jennifer Sim

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Duckworth explained their family was expanding and they want to stay in the neighbourhood and in order to maintain their amenity area they would like to construct a second storey addition. He noted that in order to maintain the existing building walls, they require a side yard variance.

Committee member C. Downer questioned if they intend to keep the tree in front.

Mr. Duckworth replied they intend to retain the mature tree in the front yard.

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 C. Downer and seconded by J. Hillen,

“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 13 Cathcart Street, to permit a 11 metre by 7.62 metre second storey addition in line with the existing building wall to be located 0.9 metres from the left side lot line when the By-law requires a minimum side yard setback of 1.5 metres, be approved, subject to the following conditions:

1. The applicant makes arrangements with Technical Services Department of Guelph Hydro Electric Systems Inc. for the possible relocation of the overhead service to the dwelling. The servicing costs would be at the applicant's expense."
2. That the applicant shall consult with staff regarding the protection of the tree in the front yard and comply with the recommendations from staff."

Carried.

**Application:** A-67/13

**Owner:** Brad Ashbourn and Andrea Ninacs

**Agent:** L. Alan Grinham Architect Inc.; Lloyd Grinham

**Location:** 3 Avondale Avenue

**In Attendance:** Lloyd Grinham  
Brad Ashbourn

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Grinham replied the notice sign was posted and comments were received from staff.

There were no questions from the Committee.

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 R. Funnell and seconded by J. Hillen,

"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 Avondale Avenue, to permit a 4.8 metre

by 7.2 metre garage with an attached breezeway to be located 0.75 metres from the right side lot line when the By-law requires a minimum side yard of 1.5 metres, be approved.”

Carried.

**Application:**           **A-60/13**

**Owner:**               **Glen MacLeod and Tomasso Santeramo**

**Agent:**               **n/a**

**Location:**           **45 Regent Street**

**In Attendance:**      **Glen MacLeod**  
                              **Tomasso Santeramo**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. MacLeod replied the notice sign was posted and comments were received from staff. He explained the works were completed 17 years ago when a day care centre operated out of this space. He advised he has never had a complaint from the neighbourhood.

Committee member R. Funnell questioned if he checked City records when the property was purchased to see if there were infractions.

Mr. MacLeod replied his agent did not advise there were any concerns and he was not advised by his solicitor.

Committee member C. Downer questioned if the applicant will be removing the kitchen.

Mr. MacLeod replied he has removed the stove and the wiring.

Chair D. Kelly questioned what constitutes a kitchen.

Planner M. Innocente noted she was unsure of the details and recommended the removal be satisfactory to the Chief Building Official.

Mr. MacLeod advised the unit has been vacated.

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 C. Downer and seconded by R. Funnell,

“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 45 Regent Street, to permit the off-street parking space to be located ahead of the main front wall of the building (in the driveway) and 3.91 metres from Regent Street front yard property line when the By-law requires the off-street parking space be located to the rear of the front wall of the main building and a minimum distance of 6 metres from the street line, be approved, subject to the following condition:

1. That no accessory apartment be permitted in the future without further variances being approved.”

Carried.

**Application:** A-66/13

**Owner:** Paul Hetherington and Kerry Wilson

**Agent:** n/a

**Location:** 45 Yorkshire Street North

**In Attendance:** Paul Hetherington  
Kerry Wilson  
Judy Greenhill  
Maggie Laidlaw

The Secretary-Treasurer advised that five additional emails in support of the application have been received and three additional phone calls in support, all from residents of Durham Street.

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Hetherington replied the notice signs were posted and comments were received from staff.

Mrs. Hetherington provided background to the Committee about 45 Yorkshire Street explaining work that has occurred to improve their property. When explaining the history about why they



are applying for a minor variance, she explained the garage was closed in when they purchased the home and was poorly insulated. She further explained there are storm water problems in the area with the city storm drain overflowing and running down the driveway during rain storms. She noted that despite having the garage door closed in, water from the street still came under the door causing mould problems. She advised they were insulating and replacing windows and doors to make their house more energy efficient and replaced the garage door at that time to prohibit water from entering their basement. She noted they have parked their two cars in the driveway for 19 years with no complaints and no encroachment on the City sidewalk.

Mr. Hetherington addressed the comments from the Engineering Services Department acknowledging the drainage problems. He noted they would not support adding another curb cut to the property as it would encourage more water flow from the street and would result in the removal of mature gardens. He questioned why staff has requested an encroachment agreement for the step when the matter before the Committee is a parking variance. He noted their lawyer never advised them there was an issue when they purchased the house. He noted City staff suggested they make an application to the Committee of Adjustment for a variance when they saw the possibility of destroying the mature gardens in the rear yard. He addressed the four tests in the Planning Act along with other documents reviewed including the Provincial Policy Statement, Growth Plan and Storm Water Management Plan. He noted the parking has been in place for the last 19 to 35 years and the road allowance is so wide two stacked parking spaces can be provided without encroaching on the City sidewalk. He noted the municipality has encouraged parking on the municipal right-of-way in similar situations. He noted their troubles started because of a dispute with their neighbour at 41 Yorkshire Street, North and the problems have not been resolved. He felt the complaint lodged was part of the general harassment they have received.

Committee member C. Downer questioned if they would object to applying for a building permit for the garage conversion.

Ms. Wilson replied they would be willing to apply for a building permit.

Committee member R. Funnell questioned staff where the actual encroachment occurred.

Planner M. Innocente replied the one parking space closest to the garage encroaches on the right-of-way and the second parking space is located completely on the municipal right-of-way.

Ms. Wilson noted that because the road allowance is so wide they can park two stacked vehicles in their driveway.

Committee member R. Funnell noted the Committee does not have the authority to authorize off-street parking on the road allowance.

Maggie Laidlaw addressed the comments from Planning Services in a negative manner and noted the complaint was lodged by a neighbour. She noted she would be taking action about the comments and the complaint lodged and advised there are similar situations throughout this older neighbourhood. She questioned the need for the additional expense for an encroachment agreement and license agreement expense and advised she would be speaking to staff about this.

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 C. Downer and seconded by R. Funnell,

“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 4.13.3.2.2 of Zoning By-law (1995)-14864, as amended, for 45 Yorkshire Street North,

- a) to permit the off-street parking space to be located 0 metres from the Durham Street street line when the By-law requires that the off-street parking space be located a minimum distance of 6 metres from the street line,
- b) to permit the off-street parking space to be located ahead of the main front wall of the building when the By-law requires that the off-street parking space be located to the rear of the front wall of the main building, and,
- c) to permit the off-street parking space to have a depth of 2.74 metres [with a portion of the parking space being located on the Durham Street right-of-way] when the By-law requires that the off-street parking space have a minimum depth of 5.5 metres,

be approved, subject to the following conditions:

1. That the applicant apply for and receive a building permit by July 30, 2013 and the applicant agree to allow for additional permit inspections for the garage area.
2. That the applicant enter into a licensing agreement for the parking space located in the Durham Street road allowance, prior to July 30, 2013.
3. That the applicant apply for an encroachment agreement for the concrete step encroaching on the Yorkshire Street road allowance, prior to July 30, 2013.”

Carried

**Application:** A-68/13

**Owner:** Faziahmad Ashkar and Mandana Amiri

**Agent:** Faziahmad Ashkar

**Location:** 91 Rickson Avenue

**In Attendance:** Faziahmad Ashkar  
Lee Chin

The Assistant Secretary-Treasurer advised that included in the staff comments were two letters received in opposition of the application.

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. F. Ashkar replied that the sign was posted and he did receive the staff comments. He explained that the basement apartment has existed for two years. He also explained that due to a complaint, City staff asked him to apply for a building permit and realized then that the size of the apartment exceeds what is permitted in the by-law. He noted that he cannot change the layout to comply.

There were no questions from the members of the Committee.

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 R. Funnell and seconded by C. Downer,

“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 91 Rickson Avenue, to permit an accessory apartment in the basement to have an area of 106.83 square metres when the By-law requires that an accessory apartment shall not exceed 45% of the total floor area of the dwelling and shall not exceed a maximum of 80 square metres in floor area, whichever is lesser, be approved.”

Carried.

**Application:** A-58/13  
**Owner:** Hugo Montuori  
**Agent:** n/a  
**Location:** 49 Mercer Street  
**In Attendance:** Hugo Montuori

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. H. Montuori replied that he posted the sign and he received the staff comments. He explained that the parking situation on his property has no impact on traffic on Mercer Street. He commented that the variance is minor in nature and there should be no municipal interest with the shuffling of the cars.

Committee member R. Funnell questioned staff whether it could be a possibility to recommend to Council that the Zoning By-law be changed to permit three stacked parking spaces on local roads.

Planner M. Innocente replied that the variance request in question was reviewed on its own merits. She explained that a change to the by-law can be considered if it is warranted.

Chair D. Kelly commented that Planning and Engineering Services comments mention the intent of the by-law being safe ingress and egress of the property. She also commented that the driveway is directly behind another driveway located across the street.

Planner M. Innocente commented that planning staff feels that three parking spaces can be accommodated on site and the only inconvenience is to the property owner. She noted that Mercer Street is a local road with a low volume of traffic and it is not anticipated that moving in and out of the driveway will cause any major concerns.

Chair D. Kelly commented that the Zoning By-law does not make any allowance whether it is a local road or an arterial road. She also commented that the shuffling of the vehicles can cause traffic problems which does not allow for safe ingress and egress.

Mr. P. Cuomo of 298 Cole Road commented that the by-law states that you can have two vehicles stacked. He also commented that the importance is why and when the rules are created.

Mr. H. Montuori explained that there has not been any problem with shuffling of the cars. He also explained that he would have to sell the house if the variance is not permitted.

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 R. Funnell and seconded by C. Downer,

“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 49 Mercer Street, to permit three off-street parking spaces in a stacked arrangement when the By-law requires that only two parking spaces are permitted in a stacked arrangement, be approved.

Reasons for approval being:

1. The property is located on a local street, and
2. The parking arrangement would not create any jeopardy.”

Carried.

Committee member R. Funnell requested staff to take necessary steps to review stacked off-street parking requirements particularly with reference to the classification of the street.

**Application:** B-25/13  
**Owner:** Paul and Maria Leombruni  
**Agent:** Bob Foster  
**Location:** 315 Victoria Road North  
**In Attendance:** Bob Foster  
Paul Leombruni

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. B. Foster replied that the sign was posted and the staff comments were received. He was in agreement with the conditions except for the payment of removing the accessory structures.

He explained that they would like to take the detached garage down after the new houses were built.

Committee member R. Funnell replied that the condition states that you are responsible for paying for all the associated costs.

Application B-25/13

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 R. Funnell and seconded by C. Downer,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 1, Concession 6, Division ‘C’, to be known municipally as 317 Victoria Road North, a parcel with a frontage of 15 metres along Victoria Road North and a depth of 57.6 metres, be approved,

subject to following conditions:

1. Prior to endorsement of the deeds, the owner shall be responsible for all of the costs associated with the demolition and removal of the existing dwelling and accessory buildings from the property.
2. That the owner pays the actual cost of the removal of the existing sanitary and water service laterals to the existing house within the road allowance, prior to endorsement of the deeds.
3. That the owner pays the actual cost of constructing new sanitary and water service laterals to the proposed retained lands and the proposed severed lands including the cost of any curb cuts and/or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
4. That the owner pays the actual cost associated with the removal of the existing asphalt within the road allowance from the area of the existing driveway entrance, the restoration of the boulevard with topsoil and sod where required including any required curb fill, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.

5. That the owner pays the actual cost of the construction of the new driveway entrances including the required curb cuts and/or curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
6. That prior to the issuance of any building permits on the proposed retained lands and the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed retained lands and the for the proposed severed lands.
7. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsement of the deeds.
8. That the owner constructs the new dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
9. That a legal off-street parking space is created on the proposed retained lands and the proposed severed lands at a minimum setback of 6.0-metres from the Victoria Road street property line.
10. That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.
11. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
12. Prior to the issuance of a building permit, the owner agrees to install sump pumps unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
13. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed new dwelling, prior to the issuance of a building permit.
14. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.

15. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
16. Prior to the issuance of any building permit for the lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
17. Prior to the issuance of any building permit for the lands, the owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.
18. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwelling on the severed parcel indicating:
  - a) The location and design of the new dwelling;
  - b) All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
  - c) The location of the new dwelling with a setback that is in character with the surrounding area;
  - d) Grading, drainage and servicing information;
19. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
20. That the elevation and design drawings for the new dwelling on the severed parcel be submitted to, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
21. That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services.



22. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit;
23. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
24. That prior to issuance of a building permit, the applicant make satisfactory arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the servicing of the newly created lots and for the relocation of the existing stub pole due to the proposed new driveway. The cost would be at the applicant's expense.
25. That prior to endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
26. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to June 14, 2014.
27. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
28. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
29. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the

draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk.”

Carried.

Application A-61/13

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 R. Funnell and seconded by C. Downer,

“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 4 of Zoning By-law (1995)-14864, as amended, for 315 Victoria Road North, to permit the retained parcel to have a lot frontage of 13.98 metres when the By-law requires a minimum lot frontage of 15 metres, be approved,

subject to the following condition:

1. That the conditions imposed for Application B-25/13 be and form part of this approval.”

Carried.

**Application:** B-24/13  
**Owner:** Troy and Luisa Byrne  
**Agent:** Troy Byrne  
**Location:** 103 Dawn Avenue  
**In Attendance:** Troy Byrne  
Luisa Byrne

The Secretary-Treasurer advised that an email in support of the application has been received from the residents of 144 Dawn Avenue.

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. T. Byrne replied that the sign was posted and the staff comments were received. He explained that staff comments referred to decommissioning the septic system and he indicated that he has paperwork to satisfy the condition.

After a brief discussion, Committee Members agreed to leave the condition in and advised the applicant to submit the paperwork to City staff.

Chair D. Kelly commented that the Committee members are able to add a condition to follow the rules and regulations of the Grand River Conservation Authority.

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 C. Downer and seconded by R. Funnell,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 1, Lot 2, Registered Plan 555, to be municipally known as 107 Dawn Avenue, a parcel with a frontage of 15.2 metres along Dawn Avenue and a depth of 121.9 metres, be approved,

subject to the following conditions:

1. Prior to endorstation of the deeds, the owner shall pay the proportionate share of the actual costs of the existing roadworks, existing sanitary sewer, curb and gutter and any street lighting upgrades across the frontage of the property as determined by the General Manager/City Engineer.
2. Prior to endorstation of the deeds, the owner shall be responsible for all of the costs associated with the demolition and removal of the existing dwelling from the property.
3. Prior to endorstation of the deeds, the owner will be responsible to decommission the existing septic system to the satisfaction of the City's Plumbing/Sewage System Inspector.
4. Prior to endorstation of the deeds, the owner will be required to ensure that any domestic wells or monitoring wells and boreholes drilled for hydrogeological or geotechnical investigations are properly decommissioned in accordance with current

Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer.

5. That the owner pays all the costs associated with the removal of the existing water service laterals to the existing house from the proposed severed lands, satisfactory to the City's Plumbing Inspector, prior to endorstation of the deeds.
6. That the owner pays the actual cost of constructing new sanitary and water service laterals to the proposed severed lands including the cost of any curb cuts and/or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
7. That the owner pays the actual cost associated with the removal of the existing asphalt pavement within the road allowance from the area of the existing driveway entrance, the restoration of the boulevard with topsoil and sod where required including any required curb fill, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
8. That the owner pays the actual cost of the construction of the new driveway entrances including the required curb cuts and/or curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
9. That prior to the issuance of any building permits on the proposed retained lands and the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed retained lands and the for the proposed severed lands.
10. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorstation of the deeds.
11. That the owner constructs the new dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
12. That a legal off-street parking space is created on the proposed retained lands and the proposed severed lands at a minimum setback of 6.0-metres from the Dawn Avenue property line.
13. That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.

14. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
15. Prior to the issuance of a building permit, the owner agrees to install sump pumps unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
16. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed new dwelling, prior to the issuance of a building permit.
17. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
18. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
19. Prior to the issuance of any building permit for the lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
20. Prior to the issuance of any building permit for the lands, the owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.
21. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwelling on the severed parcel indicating:
  - a) The location and design of the new dwelling;
  - b) All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them

throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.

- c) The location of the new dwelling with a setback that is in character with the surrounding area;
  - d) Grading, drainage and servicing information;
22. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
23. That the elevation and design drawings for the new dwelling on the severed parcel be submitted to, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
24. That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services.
25. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit;
26. That prior to issuance of a building permit, the applicant make satisfactory arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the servicing of the newly created lots and for the relocation of the existing stub pole due to the proposed new driveway. The applicant must also maintain 1.5m clearance of the proposed new driveway from Guelph Hydro poles. The cost would be at the applicant's expense.
27. That the applicant complies with the requirements and receives approval of Grand River Conservation Authority prior to endorsement of deeds.
28. That prior to endorsement of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer,

agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.

29. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to June 14, 2014.
30. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
31. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
32. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried.

**Application:**            **A-59/13**

**Owner:**                 **Jason Grace and Jill Stanley**

**Agent:**                 **Jason Grace**

**Location:**            **300 Cole Road**

**In Attendance:**       **Jason Grace**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. J. Grace replied that he received the staff comments and he posted the sign. He explained that his tenants only have one car and is seeking the variance to be able to comply with the by-law regulations.

Committee member C. Downer questioned the layout of the apartment and number of bedrooms upstairs.

Mr. J. Grace replied that he has three bedrooms upstairs. He explained that he would convert two bedrooms in the basement into one bachelor unit. He also explained that one of the bedrooms in the basement would be part of the main unit.

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 R. Funnell and seconded by C. Downer,

“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 300 Cole Road, to permit three off-street parking spaces in a stacked arrangement when the By-law requires that two off-street parking spaces may be in a stacked arrangement, be approved.”

Carried.

**Application:** A-65/13  
**Owner:** Mozhgan Miri and Mustafah Chomishah  
**Agent:** n/a  
**Location:** 764 Willow Road  
**In Attendance:** Mozhgan Miri  
Mustafah Chomishah

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. M. Miri replied that the sign was posted.

Chair D. Kelly commented that she did not see a sign anywhere on the property. She noted that staff has taken pictures of the house and there is no sign visible on the pictures.



Ms. M. Miri explained that the wind took the sign down but that she put it back up. She also explained that after this she placed the sign inside. She commented that all her neighbours received the notice and did not feel the posting of the sign was necessary.

Committee member C. Downer explained that it is mandatory to have a sign posted as per Planning Act.

Chair D. Kelly recommended that the application be deferred so that the sign can be properly posted.

Moved by C. Downer and seconded by R. Funnell

“THAT Application A-65/13 for Mozghan Miri and Mustafah Chomishah at 764 Willow Road be deferred to the July 9, 2013 Committee of Adjustment meeting to give the applicant an opportunity to post the required sign properly and that the deferral application fee be paid prior to reconsideration of the application.”

Carried.

**Application:** A-35/12

**Owner:** Giuseppe, Marian and Stefano Fava

**Agent:** GSP Group Inc., Hugh Handy

**Location:** 7 Crawford Street

**In Attendance:** Hugh Handy  
Steve Fava  
Danielle McAndrew  
Janet MacLean  
Ross MacLean  
Viginia Gillham  
Della Sample  
Bill Sample  
Randy Zehr  
Bob Gillham

The Assistant Secretary-Treasurer advised that in addition to previous letters submitted, a letter which was distributed to the Committee members was received opposing the application. She also advised that a letter was submitted in support of the application from a tenant residing at 7 Crawford Street, which was also distributed to the Committee members.

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. H. Handy replied that the sign was posted and the staff comments were received. He advised that a neighbourhood meeting was held on April 25, 2013 to discuss issues related to the property itself and the accessory structure. He explained that after the neighbourhood meeting, the plan for the garage was revised. He noted that the overall height was slightly reduced and the rear dormers were replaced with two venting skylights. He pointed out that the height of the accessory structure at the rear is 4.2 metres.

Mr. H. Handy continued by stating that the garage is not used for human habitation and there is no plumbing in the structure. He noted that the garage would provide storage and a workshop in addition to vehicle parking. He also noted that the proposed external stairs are desirable and appropriate being at the South side of the building. He explained that the footprint of the garage is not changing and the garage is setback behind the front wall of the main dwelling. He continued by referring to two approved height variances for accessory structures located at 16 and 46 Dean Avenue. He closed his presentation by stating that the application meets the four land use planning tests and the intent is to improve the appearance of the property.

Ms. J. McLean, a resident of 8 Gordon Street directly behind 7 Crawford Street, stated that the garage is wider than the main dwelling and is not considered to be an accessory building.

Ms. V. Gillham commented that they have written several letters regarding this application. She also commented that the garage is setback by only a couple of feet and will look like another house.

Mr. H. Handy explained that they tried to address the neighbourhood issues as best as they could.

Mr. R. Funnell questioned if the roof height could be lowered any further.

Mr. S. Fava explained that removing the rear dormers has already diminished the functionality of the storage area. He commented that the height is required to be able to comfortably walk in. He advised that he is willing to move the stairs inside the garage.

Mr. R. McLean explained that during the past year the owner has not worked on fixing the garage. He commented that he is not sure if the dwelling has a tenant or if it is vacant.

Ms. D. McAndrew, the resident of 7 Crawford Street, commented that she wrote a letter in support of the application. She noted that she is offended by a comment that she does not reside in the dwelling.

Committee C. Downer questioned whether the Committee could add a condition that the design of the garage remains the same as the plan submitted for the application.

The Secretary-Treasurer replied that the Committee can impose such a condition.

Committee member C. Downer referred to Planning staff's comments and questioned why there is a difference if the garage was attached to the house.

Planner M. Innocente replied that staff was trying to satisfy the four tests of the Planning Act and noted that if the garage was attached to the main dwelling with a breezeway there would be no height requirement.

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 C. Downer and seconded by R. Funnell,

"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 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for 7 Crawford Street, to permit a detached garage to have a height of 5.15 metres (as measured from the mid-point between the eave and the ridge of the front dormer) when the By-law requires that the maximum height for an accessory building be 3.6 metres, be refused.

Reasons for refusal being:

1. The variance is not minor in nature with a 50% increase in height, and
2. The proposal is not desirable due to the garage not being set back further from the street."

Carried.

The meeting adjourned at 8:05 p.m.

D. Kelly  
Chair

Kim Fairfull, ACST  
Secretary Treasurer

Minna Bunnnett, ACST(A)  
Assistant Secretary-Treasurer

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday June 25, 2013 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell – Vice-Chair  
J. Hillen  
B. Birdsell  
C. Downer  
L. McNair  
D. Kelly, Chair

Regrets: A. Diamond

Staff Present: M. Innocente, Planner  
M. Bunnnett, Assistant Secretary-Treasurer

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Meeting Minutes

Moved by C. Downer and seconded by R. Funnell,

“THAT the Minutes from the June 11, 2013 Regular Meeting of the Committee of Adjustment, be approved as amended.”

Carried

### Other Business

The Assistant Secretary-Treasurer advised that late comments from Heritage Guelph have been distributed for the Committee members regarding applications A-72/13 73 Glasgow Street North, A-75/13 12 Wyndham Street North and B-30/13 170 Elizabeth Street.

**Application:**            **A-73/13**

**Owner:**                **1397043 Ontario Ltd.**

**Agent:**                **Tacoma Engineers Inc., Jonathan Hiller**

**Location:**            **25 Wilbert Street**

**In Attendance:**       **Jonathan Hiller**  
                              **Bill Chesney**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. J. Hiller replied that he did post the staff and staff comments were received. He was available for any questions.

Committee member C. Downer referred to zoning staff comments and questioned whether the applicant has discussed the issues with the zoning staff.

Mr. J. Hiller replied that he has not had a chance to discuss the concerns. He explained that at the site plan meetings with the City staff there were no indication of any problems. He commented that he will contact the zoning staff.

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 R. Funnell and seconded by B. Birdsell,

“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 4.6.2.3 and 4.20.2 of Zoning By-law (1995)-14864, as amended, for 25 Wilbert Street,

- a) to permit a 2.1 metre high chain link fence (including a 0.3 metre barb wire) in the front, left and right side yards when the By-law requires that any fence located in a front yard and side yard shall not exceed 1.6 metres, and
- b) to permit a portion of the fence to be located within the sight line triangles at the east entrance of the property with a height of 2.1 metres when the By-law permits a fence within a sight line to have a height of 0.8 metres above the level of the travelled portion of the street,

be approved, subject to the following condition:

1. The Owner agrees to submit and receive approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage, stormwater management and servicing to the satisfaction of the General Manager of Planning and Building and the General Manager/City Engineer, prior to the issuance of a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.”

Carried

**Application:** A-71/13  
**Owner:** 2238475 Ontario Inc.  
**Agent:** The Landplan Collaborative Ltd., Owen Scott  
**Location:** 21 Woodlawn Road West  
**In Attendance:** Jaswant Kaur  
Juzar Singh Gida

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. J. Kaur replied the sign was posted and staff comments were received. She explained that the shed was there in 2010 and they have not made any changes to it.

There were no questions from the members of the Committee.

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. McNair and seconded by C. Downer,

“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 6.4.2 Row 5 of Zoning By-law (1995)-14864, as amended, for 21 Woodlawn Road West, to permit a 10.5 square metre residential addition (existing attached shed) to be located 1.57

metres from the left side lot line when the By-law requires a minimum side yard of 3 metres, be approved.”

Carried

**Application:** A-74/13  
**Owner:** 1208844 Ontario Ltd.  
**Agent:** IBI Group, Kate Wills  
**Location:** 101 Campbell Road  
**In Attendance:** Kate Wills  
Bernd Dinnert

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. K. Wills replied the sign was posted and the staff comments were received. She explained that they are asking to permit a vehicle repair shop in an industrial zone. She referred to the compliance with the four tests under the Planning Act. She explained that permitting the vehicle repair shop will allow for the trucking operation to operate as a self-sufficient business. She also explained that the use would be permitted if the building was operating as a mall. She noted that they have no objection to the staff comments.

Committee member L. McNair questioned staff whether a variance would be required if two separate companies were operating in the building.

Planner M. Innocente replied that a variance would not be required since it would then be considered to be a mall.

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 B. Birdsell and seconded by L. McNair,

“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 7.1.3 of Zoning By-law (1995)-14864, as amended, for 101 Campbell Road, to permit a vehicle repair

shop (occupying 1400 square metres of an existing building) when the By-law permits a variety of uses but does not permit a vehicle repair shop unless located within a mall, be approved.”

Carried

**Application:** B-29/13, A-64/13, A-81/13

**Owner:** Gordon Street Co-operative Development Corporation

**Agent:** Clifton Kok LLP, Judy Bang

**Location:** 5 Gordon Street

**In Attendance:** Judy Bang  
Tim Welsch  
Dominic Carere

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. J. Bang replied the signs were posted and she has received the staff comments. She explained that the staff comments are recommending refusal and therefore they would like to ask for a deferral.

There were no questions from the members of the Committee.

Moved by L. McNair and seconded by J. Hillen,

“THAT Applications B-29/13, A-64/13 and A-81/13 for Gordon Street Co-operative Development Corporation at 5 Gordon Street, be deferred sinedie, to discuss the details of the application further with City staff and in accordance with the Committee’s policy on applications deferred sinedie, that the applications 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.”

Carried

**Application:** A-72/13

**Owner:** Jane MacLeod and Bill Chesney



**Agent:** n/a

**Location:** 73 Glasgow Street North

**In Attendance:** Jane MacLeod  
Bill Chesney

The Assistant Secretary-Treasurer reminded the Committee of comments submitted by Heritage Guelph regarding the application.

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. J. MacLeod replied the sign was posted and the staff comments were received. She explained that they are in agreement with the staff comments,

Committee member C. Downer questioned whether the applicant read comments received from Heritage Guelph and if she has any objections or concerns.

Ms. J. MacLeod replied that the intent is to build the addition in keeping with the older neighbourhood.

Planner M. Innocente commented that Heritage Guelph would like to review the plans submitted for the building permit.

A brief discussion took place between the Committee members regarding adding a condition that Heritage Guelph reviews the design for the addition.

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 C. Downer and seconded by R. Funnell,

“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 73 Glasgow Street North, to permit a 4.5 metre by 4.3 metre one storey addition to the rear of the dwelling to be located 0.3 metres from the left side lot line when the By-law requires a minimum side yard of 1.5 metres, be approved,

subject to the following conditions:

1. Prior to the issuance of a building permit, the owner agrees to install sump pumps for the addition unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
2. Prior to the issuance of a building permit, the owner agrees to install the downspouts, for the proposed addition, to be directed to discharge to the rear yard.
3. That a tree protection plan for all trees to be retained be provided to the satisfaction of the General Manager of Planning Services prior to the issuance of a building permit.
4. That planning, development, site alteration or building permit applications for this property shall be reviewed by Heritage Planning staff and Heritage Guelph prior to building permit issuance.”

Carried

**Application:** A-70/13

**Owner:** Stephen Latam and Victoria Ycas

**Agent:** Kevin Latam

**Location:** 46 Caledonia Street

**In Attendance:** Stephen Latam  
Victoria Ycas  
Kevin Latam

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. V. Ycas replied the sign was posted and the staff comments were received. She explained the nature of the application and stated that the bungalow is very large. She also explained that they are unable to change the layout of the basement to comply with the size requirement and are already dedicating one locked room to be used for storage for the main unit.

Committee member R. Funnell referred to the letter received from Old University Neighbourhood Resident’s Association.

Committee member C. Downer replied that there is a miscalculation on the floor areas in the letter submitted.

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 R. Funnell and seconded by B. Birdsell,

“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 46 Caledonia Street, to permit a two bedroom accessory apartment in the basement to have an area of 96.6 square metres when the By-law requires that an accessory apartment not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 square metres in floor area, whichever is less, be approved.”

Carried

**Application:** A-75/13  
**Owner:** 2073977 Ontario Ltd.  
**Agent:** Astrid J. Clos Planning Consultants, Astrid Clos  
**Location:** 12 Wyndham Street North / 58 MacDonell Street  
**In Attendance:** Astrid J. Clos  
Ian Panabaker

The Assistant Secretary-Treasurer reminded the Committee of comments submitted by Heritage Guelph and Downtown Guelph Business Association regarding the application.

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. A. Clos replied that the sign was posted and the staff comments were received. She explained that Planning Services staff is requesting deferral and they are in agreement with the request. She commented that they need to meet with staff to discuss the application further and they have a meeting set up for July 18, 2013. She stated that they would prefer to come back to the August 13, 2013 Committee of Adjustment meeting to keep the application moving.

Committee member L. McNair questioned if a deferral for 90 days is suitable in case there are any delays.

Ms. A. Clos replied that her client would like to bring the application back as soon as possible.

Committee member B. Birdsell questioned if there has been any discussion on how the proposed patio will affect the designated façade of the building.

Planner M. Innocente replied that the applicant has talked to heritage staff extensively about it.

Moved by L. McNair and seconded by C. Downer,

“THAT Application A-75/13 for 2073977 Ontario Ltd. at 12 Wyndham Street North, be deferred sinedie, with anticipation of attending the August 13, 2013 Committee of Adjustment meeting, to allow additional time for staff and the applicant to discuss the details of the application and in accordance with the Committee’s policy on applications deferred sinedie, that the applications 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.”

Carried

**Application:** B-30/13 to B-33/13, A-76/13 to A-80/13

**Owner:** Claudia Gori

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

**Location:** 170 Elizabeth Street

**In Attendance:** Jeff Buisman  
Taylor McDaniel  
Mariusz Piatek  
Dan Macerollo  
Tammy Macerollo  
Mr. Davies  
Luke Wilcox  
Bryan Marquess  
Hugh Peloso

The Assistant Secretary-Treasurer reminded the Committee of comments submitted by Heritage Guelph regarding the application.

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. J. Buisman replied that the signs were posted and the staff comments were received. He explained the history of the property and the severance proposals. He also explained that there is an existing storm sewer going through the properties which affects the configuration of the lots. He commented that they met with City staff where it was advised that the existing two dwellings are on the municipal heritage registry. He advised that the owner has applied for demolition permits to take down the existing dwellings. He commented that the dwellings are in poor condition and that there is no reason to try to salvage the homes. He suggested the Committee add a condition that the lots cannot be created until the demolition permits have been received.

Mr. T. McDaniel commented that it is not feasible to do anything else other than what is proposed because CNR is requiring a setback of 100 feet at the rear of the property.

Committee member J. Hillen questioned whether staff had an opportunity to complete their review.

Planner M. Innocente replied that the initial submission does not indicate the existing buildings on the property. She explained that Heritage Guelph has expressed an opinion that the buildings should be preserved. She noted that Council would make the decision if the buildings can be demolished. She also noted that the proposed property lines could be going through the heritage dwellings. She explained that staff's preliminary comments indicated that the variances are in line with R.1D zone regulations and such drastic changes would require a zone change. She commented that staff is waiting for direction from Heritage Guelph and ultimately Council.

Committee member C. Downer wished to clarify that staff is unsure if these variances should be considered as zone changes instead.

Planner M. Innocente replied that was staff's initial evaluation. She explained that in light of the heritage issue coming up, she is unable to evaluate the proposals and is considering the applications premature.

Committee member R. Funnell questioned whether this should be an application for a plan of subdivision.

Planner M. Innocente replied that staff feels that the consent process would be the proper application. She noted that staff is not prepared to endorse the current proposal.

June 25, 2013 C of A Minutes

Committee member C. Downer questioned why the applicant would not create only three lots since several variances are being requested.

Mr. J. Buisman replied that creating three lots would not be viable.

Mr. D. Macerollo of 164 Elizabeth Street expressed a concern with the left side yard variance of 0.65 metres at proposed 170 Elizabeth Street due to the proximity of the existing driveway.

Mr. M. Piatek of 166 Elizabeth Street also expressed a concern with the left side yard variance of 0.65 metres especially due to snow falling on his property.

Mr. T. McDaniel commented that they could shift the side yard a bit but cannot comply with 1.5 metres. He also commented that he does not agree with the deferral request.

Committee member L. McNair questioned where the storm sewer is located relative to the existing dwellings.

Mr. J. Buisman replied that the wall of the existing building at 170 Elizabeth Street is relatively close to the storm sewer.

Moved by C. Downer and seconded by J. Hillen,

“THAT Applications B-30/13 to B-33/13, A-76/13 to A-80/13 for Claudia Gori at 170 Elizabeth Street, be deferred sinedie, to allow staff additional time to review the proposal and in accordance with the Committee’s policy on applications deferred sinedie, that the applications 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.”

Carried.

The meeting adjourned at 5:20 p.m.

D. Kelly  
Chair

Minna Bunnett, ACST(A)  
Assistant Secretary-Treasurer

COMMITTEE OF ADJUSTMENT  
Minutes

The Committee of Adjustment for the City of Guelph held its Regular meeting on Tuesday July 9, 2013 at 4:00 p.m. in Room 112, City Hall, with the following members present:

R. Funnell, Chair  
L. McNair  
B. Birdsell (from 4:30 p.m.)  
A. Diamond

Regrets: D. Kelly  
C. Downer  
J. Hillen

Staff Present: S. Kirkwood, Manager of Development Planning  
M. Witmer, Planner  
K. Fairfull, Secretary-Treasurer

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Minutes from June 25, 2013 Meeting

Moved by L. McNair and seconded by A. Diamond,

“THAT the Minutes from the June 25, 2013 Regular Meeting of the Committee of Adjustment, be approved, as printed and circulated.”

Carried.

Other Business

The Secretary-Treasurer advised she received an appeal from the owner of 7 Crawford Street against the Committee’s decision of refusal. She advised the file is currently being prepared to be forwarded to the Ontario Municipal Board.

The Secretary-Treasurer advised the decision has been received for a negotiated settlement for Application B-13/13 at 130 Silvercreek Parkway North.

The Secretary-Treasurer advised the decision was received from the Ontario Municipal Board for Application A-6/13 at 103 Lynch Circle. She noted the appeal from the Owner was dismissed and off-street parking variance refused.

**Application:** B-36/13

**Owner:** 2116444 Ontario Inc.

**Agent:** Stephanie Eiley

**Location:** 11 Woodlawn Road, West

**In Attendance:** Stephanie Eiley

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. Eiley replied the notice signs were posted and comments were received for the application. She explained the easement has been in use since construction of Boston Pizza and they are formalizing the access as the Committee included the condition in their approval of the severance for 11 Woodlawn Road, West.

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

Moved by L. McNair and seconded by A. Diamond,

“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 an easement over Part Lot 6, Registered Plan 169, described as Part 6 on a draft Reference Plan prepared by Van Harten Surveying Inc, Project No. 19868-11 dated May 30, 2013, an easement, irregular in shape, with an area of 0.004 hectares, 35 Woodlawn Road, West, in favour of the abutting property municipally known as 11 Woodlawn Road, West, be approved, subject to the following conditions:

1. That prior to endorsonation of the deeds, the servient tenement, 11 Woodlawn Road West (Part Lots 4, 5, 6 & 7, Registered Plan 169), grants an easement irregular in shape, being Part 5 on the applicant’s draft sketch registered on title, in favour of the dominant tenement (Boston Pizza), for provision of vehicular and pedestrian ingress and egress.
2. That prior to endorsonation of the deeds, the owner of 11 Woodlawn Road West (Part Lots 4, 5, 6 & 7, Registered Plan 169), shall have an Ontario Land Surveyor prepare a reference plan identifying the easement.
3. That the documents in triplicate with original signatures to finalize and register the



transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to July 12, 2014.

4. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
5. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
6. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.

Carried.

**Applications:** B-39/13 to B-43/13

**Owner:** Granite Holdings Ontario Ltd.

**Agent:** Pete Graham

**Location:** Inkerman Street

**In Attendance:** Pete Graham

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Graham replied the notice signs were posted and comments were received from staff. He noted works have commenced on the property and the services have been removed from the property satisfying Condition 15 from Planning Services. He further questioned if site plan approval would be required, as suggested by Engineering Services.

Planner M. Witmer replied the owner plans to construct residential dwellings so site plan approval will not be required.

Application B-39/13

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 A. Diamond and seconded by L. McNair,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 151, Registered Plans 28 and 115, to be known as 55 Inkerman Street, a parcel with a frontage along Inkerman Street of 11.15 metres (36.58 feet) and a depth of 30.48 metres (100 feet), be approved, subject to the following conditions:

1. That the owner pays the actual cost of constructing new sanitary and water service laterals to the proposed retained lands and the proposed severed lands including the cost of any curb cuts and/or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
2. That the owner pays the actual cost of the construction of the new driveway entrances including the required curb cuts and/or curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
3. That prior to the issuance of any building permits on the proposed retained lands and the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed retained lands and the for the proposed severed lands.
4. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsation of the deeds.
5. That the owner constructs the new dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
6. That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.
7. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General

Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.

8. Prior to the issuance of a building permit, the owner agrees to install sump pumps unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
9. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
10. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
11. That the elevation and design for the new dwellings be submitted to, and approved by the General Manger, Planning Services, prior to the issuance of a building permit for the new dwelling.
12. That a site plan be prepared for the severed parcels indicating:
  - a) The location and design of the new dwelling;
  - b) The location and extent of driveway and legal off-street parking space for the new dwelling;
  - c) Grading, drainage and servicing information as required by the City Engineer;and  
All of the above to be submitted to, and approved by the General Manager, Planning Services, prior to the issuance of a building permit for the new dwellings.
13. That the Owner shall pay development charges to the City in accordance with By-law Number (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereto.
14. Prior to building permit, the Owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.
15. The Owner acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. Based on the review of the 2006 Record of Site Condition (RSC) #3607 there is no defect associated with the RSC, change of land use from industrial to residential, and no Certificate of Property Use was

associated with the property and Phase 1 ESA (2006). If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the Owner's expense.

16. If contamination is found, the Owner shall:

- a) complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be developed meet the Site Condition Standards of the intended land use; and
- b) file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be developed.

17. (a) Prior to any construction or grading on the lands, the Owner shall provide to the City, to the satisfaction of the General Manager/City Engineer, any of the following studies, plans and reports that may be requested by the General Manager/City Engineer:-

- i) a site servicing and stormwater management report certified by a Professional Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual" which addresses the quantity and quality of stormwater discharge from the site;
- ii) a noise and vibration study certified by a Professional Engineer to confirm that there is no adverse affect from the railway use;
- iii) a detailed erosion and sediment control plan, certified by a Professional Engineer that indicates the means whereby erosion will be minimized and sediment maintained on-site throughout all phases of grading and construction;

(b) The Owner shall, to the satisfaction of the General Manager/City Engineer, address and be responsible for adhering to all the recommended measures contained in the plans, studies and reports outlined in subsections (a) i) to (a) iii) inclusive, of this clause.

18. If repair, renovation or demolition activities are planned in the future for the portion of the building that encroaches the Site, appropriate management plans may be required for any potential ACMs, lead-based paints and PCBs (in light ballasts), prior to any construction or grading on the lands.

19. Prior to any construction or grading on the lands, the Owner shall have a Professional Engineer design a grading and drainage plan for the site, satisfactory to the General Manager/City Engineer.

20. Prior to any construction or grading on the lands, the Owner shall pay the flat rate

charge established by the City per metre of road frontage to be applied to tree planting for the said lands.

21. That the Owner enters into a Storm Sewer Agreement, as established by the City, providing a grading and drainage plan, registered on title, prior to any construction or grading on the lands.
22. The Owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cuts and/or curb fills and furthermore, prior to any construction or grading on the lands, the owner shall pay to the City the estimated cost of the new driveway entrances and the required curb cuts and/or curb fills, as determined by the General Manager/City Engineer.
23. That the Owner constructs the new buildings at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
24. The Owner pays all the costs associated with the removal of the existing service laterals across the proposed retained lands and the city road allowance, prior to any construction and grading on the lands.
25. The Owner pays all the costs associated with the removal of a portion of the existing building, concrete pads, asphalt pavement and the chain link fence from the proposed retained lands, prior to any construction and grading on the lands.
26. The Owner pays the actual cost of constructing and installing sanitary and water service laterals required including any curb cuts and/or curb fills and furthermore, prior to any construction or grading on the lands, the owner shall pay to the City the estimate cost of the service laterals, as determined by the General Manager/City Engineer.
27. The Owner shall place the following notification in the offer of purchase and sale for the dwelling units and to be registered on title:
  - a) that sump pumps will be required for the lots unless a gravity outlet for the foundation drain can be provided on the lots in accordance with a design by a Professional Engineer. Furthermore, sumps pumps must be discharged to the rear yard.
28. Prior to any construction or grading on the lands, any monitoring wells and boreholes drilled for hydro geological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines.

29. That the Owner shall include in all agreements of purchase and sale or lease for each dwelling unit the following warning clauses:

**“Warning:** Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres of the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successor as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. CNR will not be responsible for any complaints or claims arising from use of such facilities and/operations on, over or under the aforesaid right-of-way.

Purchasers are advised that due to the proximity of the future and existing industrial facilities, sound levels from the facilities may at times be audible.”

30. That a forced air ventilation system be installed in the new dwelling on the lands to be retained and that the ducts be sized to accommodate the future installation of an air conditioning unit by the occupant.

31. The Owner shall include in all agreements of purchase and sale or lease for a dwelling unit on the lands to be retained the following warning clauses:

“Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing rail may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the noise criteria of the City and the Ministry of the Environment.

Purchasers/tenants are advised that this dwelling unit has been fitted with a forced air heating system and the ducting etc., was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City’s and the Ministry of the Environment’s noise criteria. Purchasers/tenants are advised that the outdoor air cooled condenser unit itself can produce noise to interfere with outdoor recreational activities. Due consideration should be given to this noise factor when selecting the air cooled condenser units location or an alternative quieter type of unit could be selected. The condenser unit sound rating should not exceed 7.6 bels in accordance with ANSI Standard 270-84 for units 3.5 ton or less. The location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and have due regard for compliance with criteria of MOE publication NPC-216, Residential Air Conditioning Devices.”

32. That brick exterior wall construction be used on the east, west and north facades of all dwellings.
33. The Owner acknowledges and agrees to that all approved noise control measures shall be included in the development agreement and implemented as a condition of the approval of any severance.
34. The Owner may be required to grant CN an easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
35. The Owner enter into an Agreement with CN, stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
36. The Owner erect a fence, a minimum of 1.8 metres in height, along the new rear property lines, prior to occupancy of the new dwellings.
37. That prior to building permit, the Owner complete a Tree Inventory, Protection and Compensation Plan illustrating all existing trees greater than 10 cm dbh within 5 metres of the property (species, size, dbh, and condition) as well as protection during construction for trees that will remain, to the satisfaction of the General Manager of Planning Services.
38. The Owner shall pay to the City, the total cost of reproduction and distribution of the Guelph Residents Environmental Handbook, with such payment based on a cost of one handbook for each of the new dwelling units as determined by the City, prior to the issuance of any building permits.
39. That all electrical services to the lands are underground and the Developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
40. That the Owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the said lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
41. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed new dwelling, prior to the issuance of a building permit.

42. That prior to endorsement of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
43. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to July 12, 2014.
44. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
45. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
46. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Reasons for approval being: -

1. The severance will result in proper use of the land and proper infill development.

Application B-40/13

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 A. Diamond and seconded by L. McNair,



“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 150, Registered Plans 28 and 115, to be known as 57 Inkerman Street, a parcel with a frontage along Inkerman Street of 11.15 metres (36.58 feet) and a depth of 30.48 metres (100 feet), be approved, subject to the following conditions:

1. That the owner pays the actual cost of constructing new sanitary and water service laterals to the proposed retained lands and the proposed severed lands including the cost of any curb cuts and/or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
2. That the owner pays the actual cost of the construction of the new driveway entrances including the required curb cuts and/or curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
3. That prior to the issuance of any building permits on the proposed retained lands and the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed retained lands and the for the proposed severed lands.
4. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsation of the deeds.
5. That the owner constructs the new dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
6. That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.
7. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
8. Prior to the issuance of a building permit, the owner agrees to install sump pumps unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
9. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.

10. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
11. That the elevation and design for the new dwellings be submitted to, and approved by the General Manger, Planning Services, prior to the issuance of a building permit for the new dwelling.
12. That a site plan be prepared for the severed parcels indicating:
  - a) The location and design of the new dwelling;
  - b) The location and extent of driveway and legal off-street parking space for the new dwelling;
  - c) Grading, drainage and servicing information as required by the City Engineer; andAll of the above to be submitted to, and approved by the General Manager, Planning Services, prior to the issuance of a building permit for the new dwellings.
13. That the Owner shall pay development charges to the City in accordance with By-law Number (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereto.
14. Prior to building permit, the Owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.
15. The Owner acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. Based on the review of the 2006 Record of Site Condition (RSC) #3607 there is no defect associated with the RSC, change of land use from industrial to residential, and no Certificate of Property Use was associated with the property and Phase 1 ESA (2006). If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the Owner's expense.
16. If contamination is found, the Owner shall:
  - a) complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be developed meet the Site Condition Standards of the intended land use; and
  - b) file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be developed.

17. (a) Prior to any construction or grading on the lands, the Owner shall provide to the City, to the satisfaction of the General Manager/City Engineer, any of the following studies, plans and reports that may be requested by the General Manager/City Engineer:-

- i) a site servicing and stormwater management report certified by a Professional Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual" which addresses the quantity and quality of stormwater discharge from the site;
- ii) a noise and vibration study certified by a Professional Engineer to confirm that there is no adverse affect from the railway use;
- iii) a detailed erosion and sediment control plan, certified by a Professional Engineer that indicates the means whereby erosion will be minimized and sediment maintained on-site throughout all phases of grading and construction;

(b) The Owner shall, to the satisfaction of the General Manager/City Engineer, address and be responsible for adhering to all the recommended measures contained in the plans, studies and reports outlined in subsections (a) i) to (a) iii) inclusive, of this clause.

18. If repair, renovation or demolition activities are planned in the future for the portion of the building that encroaches the Site, appropriate management plans may be required for any potential ACMs, lead-based paints and PCBs (in light ballasts), prior to any construction or grading on the lands.

19. Prior to any construction or grading on the lands, the Owner shall have a Professional Engineer design a grading and drainage plan for the site, satisfactory to the General Manager/City Engineer.

20. Prior to any construction or grading on the lands, the Owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.

21. That the Owner enters into a Storm Sewer Agreement, as established by the City, providing a grading and drainage plan, registered on title, prior to any construction or grading on the lands.

22. The Owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cuts and/or curb fills and furthermore, prior to any construction or grading on the lands, the owner shall pay to the City the

- estimated cost of the new driveway entrances and the required curb cuts and/or curb fills, as determined by the General Manager/City Engineer.
23. That the Owner constructs the new buildings at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
  24. The Owner pays all the costs associated with the removal of the existing service laterals across the proposed retained lands and the city road allowance, prior to any construction and grading on the lands.
  25. The Owner pays all the costs associated with the removal of a portion of the existing building, concrete pads, asphalt pavement and the chain link fence from the proposed retained lands, prior to any construction and grading on the lands.
  26. The Owner pays the actual cost of constructing and installing sanitary and water service laterals required including any curb cuts and/or curb fills and furthermore, prior to any construction or grading on the lands, the owner shall pay to the City the estimate cost of the service laterals, as determined by the General Manager/City Engineer.
  27. The Owner shall place the following notification in the offer of purchase and sale for the dwelling units and to be registered on title:
    - a) that sump pumps will be required for the lots unless a gravity outlet for the foundation drain can be provided on the lots in accordance with a design by a Professional Engineer. Furthermore, sumps pumps must be discharged to the rear yard.
  28. Prior to any construction or grading on the lands, any monitoring wells and boreholes drilled for hydro geological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines.
  29. That the Owner shall include in all agreements of purchase and sale or lease for each dwelling unit the following warning clauses:

**“Warning:** Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres of the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successor as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and

individual dwellings. CNR will not be responsible for any complaints or claims arising from use of such facilities and/operations on, over or under the aforesaid right-of-way.

Purchasers are advised that due to the proximity of the future and existing industrial facilities, sound levels from the facilities may at times be audible.”

30. That a forced air ventilation system be installed in the new dwelling on the lands to be retained and that the ducts be sized to accommodate the future installation of an air conditioning unit by the occupant.

31. The Owner shall include in all agreements of purchase and sale or lease for a dwelling unit on the lands to be retained the following warning clauses:

“Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing rail may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the noise criteria of the City and the Ministry of the Environment.

Purchasers/tenants are advised that this dwelling unit has been fitted with a forced air heating system and the ducting etc., was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City’s and the Ministry of the Environment’s noise criteria. Purchasers/tenants are advised that the outdoor air cooled condenser unit itself can produce noise to interfere with outdoor recreational activities. Due consideration should be given to this noise factor when selecting the air cooled condenser units location or an alternative quieter type of unit could be selected. The condenser unit sound rating should not exceed 7.6 bels in accordance with ANSI Standard 270-84 for units 3.5 ton or less. The location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and have due regard for compliance with criteria of MOE publication NPC-216, Residential Air Conditioning Devices.”

32. That brick exterior wall construction be used on the east, west and north facades of all dwellings.

33. The Owner acknowledges and agrees to that all approved noise control measures shall be included in the development agreement and implemented as a condition of the approval of any severance.

34. The Owner may be required to grant CN an easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

35. The Owner enter into an Agreement with CN, stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
36. The Owner erect a fence, a minimum of 1.8 metres in height, along the new rear property lines, prior to occupancy of the new dwellings.
37. That prior to building permit, the Owner complete a Tree Inventory, Protection and Compensation Plan illustrating all existing trees greater than 10 cm dbh within 5 metres of the property (species, size, dbh, and condition) as well as protection during construction for trees that will remain, to the satisfaction of the General Manager of Planning Services.
38. The Owner shall pay to the City, the total cost of reproduction and distribution of the Guelph Residents Environmental Handbook, with such payment based on a cost of one handbook for each of the new dwelling units as determined by the City, prior to the issuance of any building permits.
39. That all electrical services to the lands are underground and the Developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
40. That the Owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the said lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
41. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed new dwelling, prior to the issuance of a building permit.
42. That prior to endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
43. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to July 12, 2014.

44. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
45. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
46. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Reasons for approval being: -

1. The severance will result in proper use of the land and proper infill development.

Application B-41/13

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 A. Diamond and seconded by L. McNair,

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 150, Registered Plans 28 and 115, to be known as 61 Inkerman Street, a parcel with a frontage along Inkerman Street of 11.16 metres (36.61 feet) and a depth of 30.48 metres (100 feet), be approved, subject to the following conditions:

1. That the owner pays the actual cost of constructing new sanitary and water service laterals to the proposed retained lands and the proposed severed lands including the cost of any curb cuts and/or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.

2. That the owner pays the actual cost of the construction of the new driveway entrances including the required curb cuts and/or curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
3. That prior to the issuance of any building permits on the proposed retained lands and the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed retained lands and the for the proposed severed lands.
4. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsement of the deeds.
5. That the owner constructs the new dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
6. That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.
7. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
8. Prior to the issuance of a building permit, the owner agrees to install sump pumps unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
9. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
10. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
11. That the elevation and design for the new dwellings be submitted to, and approved by the General Manger, Planning Services, prior to the issuance of a building permit for the new dwelling.
12. That a site plan be prepared for the severed parcels indicating:



- a) The location and design of the new dwelling;
  - b) The location and extent of driveway and legal off-street parking space for the new dwelling;
  - c) Grading, drainage and servicing information as required by the City Engineer;
- and

All of the above to be submitted to, and approved by the General Manager, Planning Services, prior to the issuance of a building permit for the new dwellings.

13. That the Owner shall pay development charges to the City in accordance with By-law Number (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereto.
14. Prior to building permit, the Owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.
15. The Owner acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. Based on the review of the 2006 Record of Site Condition (RSC) #3607 there is no defect associated with the RSC, change of land use from industrial to residential, and no Certificate of Property Use was associated with the property and Phase 1 ESA (2006). If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the Owner's expense.
16. If contamination is found, the Owner shall:
  - a) complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be developed meet the Site Condition Standards of the intended land use; and
  - b) file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be developed.
17. (a) Prior to any construction or grading on the lands, the Owner shall provide to the City, to the satisfaction of the General Manager/City Engineer, any of the following studies, plans and reports that may be requested by the General Manager/City Engineer:-
  - i) a site servicing and stormwater management report certified by a Professional Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and

Design Manual" which addresses the quantity and quality of stormwater discharge from the site;

- ii) a noise and vibration study certified by a Professional Engineer to confirm that there is no adverse affect from the railway use;
- iii) a detailed erosion and sediment control plan, certified by a Professional Engineer that indicates the means whereby erosion will be minimized and sediment maintained on-site throughout all phases of grading and construction;

(b)The Owner shall, to the satisfaction of the General Manager/City Engineer, address and be responsible for adhering to all the recommended measures contained in the plans, studies and reports outlined in subsections (a) i) to (a) iii) inclusive, of this clause.

- 18. If repair, renovation or demolition activities are planned in the future for the portion of the building that encroaches the Site, appropriate management plans may be required for any potential ACMs, lead-based paints and PCBs (in light ballasts), prior to any construction or grading on the lands.
- 19. Prior to any construction or grading on the lands, the Owner shall have a Professional Engineer design a grading and drainage plan for the site, satisfactory to the General Manager/City Engineer.
- 20. Prior to any construction or grading on the lands, the Owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
- 21. That the Owner enters into a Storm Sewer Agreement, as established by the City, providing a grading and drainage plan, registered on title, prior to any construction or grading on the lands.
- 22. The Owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cuts and/or curb fills and furthermore, prior to any construction or grading on the lands, the owner shall pay to the City the estimated cost of the new driveway entrances and the required curb cuts and/or curb fills, as determined by the General Manager/City Engineer.
- 23. That the Owner constructs the new buildings at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
- 24. The Owner pays all the costs associated with the removal of the existing service laterals across the proposed retained lands and the city road allowance, prior to any construction and grading on the lands.

25. The Owner pays all the costs associated with the removal of a portion of the existing building, concrete pads, asphalt pavement and the chain link fence from the proposed retained lands, prior to any construction and grading on the lands.
26. The Owner pays the actual cost of constructing and installing sanitary and water service laterals required including any curb cuts and/or curb fills and furthermore, prior to any construction or grading on the lands, the owner shall pay to the City the estimate cost of the service laterals, as determined by the General Manager/City Engineer.
27. The Owner shall place the following notification in the offer of purchase and sale for the dwelling units and to be registered on title:
  - a) that sump pumps will be required for the lots unless a gravity outlet for the foundation drain can be provided on the lots in accordance with a design by a Professional Engineer. Furthermore, sumps pumps must be discharged to the rear yard.
28. Prior to any construction or grading on the lands, any monitoring wells and boreholes drilled for hydro geological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines.
29. That the Owner shall include in all agreements of purchase and sale or lease for each dwelling unit the following warning clauses:

**“Warning:** Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres of the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successor as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. CNR will not be responsible for any complaints or claims arising from use of such facilities and/operations on, over or under the aforesaid right-of-way.

Purchasers are advised that due to the proximity of the future and existing industrial facilities, sound levels from the facilities may at times be audible.”
30. That a forced air ventilation system be installed in the new dwelling on the lands to be retained and that the ducts be sized to accommodate the future installation of an air conditioning unit by the occupant.

31. The Owner shall include in all agreements of purchase and sale or lease for a dwelling unit on the lands to be retained the following warning clauses:

“Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing rail may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the noise criteria of the City and the Ministry of the Environment.

Purchasers/tenants are advised that this dwelling unit has been fitted with a forced air heating system and the ducting etc., was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City’s and the Ministry of the Environment’s noise criteria. Purchasers/tenants are advised that the outdoor air cooled condenser unit itself can produce noise to interfere with outdoor recreational activities. Due consideration should be given to this noise factor when selecting the air cooled condenser units location or an alternative quieter type of unit could be selected. The condenser unit sound rating should not exceed 7.6 bels in accordance with ANSI Standard 270-84 for units 3.5 ton or less. The location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and have due regard for compliance with criteria of MOE publication NPC-216, Residential Air Conditioning Devices.”

32. That brick exterior wall construction be used on the east, west and north facades of all dwellings.
33. The Owner acknowledges and agrees to that all approved noise control measures shall be included in the development agreement and implemented as a condition of the approval of any severance.
34. The Owner may be required to grant CN an easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
35. The Owner enter into an Agreement with CN, stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
36. The Owner erect a fence, a minimum of 1.8 metres in height, along the new rear property lines, prior to occupancy of the new dwellings.
37. That prior to building permit, the Owner complete a Tree Inventory, Protection and Compensation Plan illustrating all existing trees greater than 10 cm dbh within 5 metres of the property (species, size, dbh, and condition) as well as protection

- during construction for trees that will remain, to the satisfaction of the General Manager of Planning Services.
38. The Owner shall pay to the City, the total cost of reproduction and distribution of the Guelph Residents Environmental Handbook, with such payment based on a cost of one handbook for each of the new dwelling units as determined by the City, prior to the issuance of any building permits.
  39. That all electrical services to the lands are underground and the Developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
  40. That the Owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the said lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
  41. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed new dwelling, prior to the issuance of a building permit.
  42. That prior to endorsement of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
  43. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to July 12, 2014.
  44. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
  45. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.

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

Carried.

Reasons for approval being: -

1. The severance will result in proper use of the land and proper infill development.

Application B-42/13

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 A. Diamond and seconded by L. McNair,

“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 Lot B, Registered Plan 224, to be known as 63 Inkerman Street, a parcel with a frontage along Inkerman Street of 11.15 metres (36.58 feet) and a depth of 30.52 metres (100.13 feet), be approved, subject to the following conditions:

1. That the owner pays the actual cost of constructing new sanitary and water service laterals to the proposed retained lands and the proposed severed lands including the cost of any curb cuts and/or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
2. That the owner pays the actual cost of the construction of the new driveway entrances including the required curb cuts and/or curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
3. That prior to the issuance of any building permits on the proposed retained lands and the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed retained lands and the for the proposed severed lands.

4. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsement of the deeds.
5. That the owner constructs the new dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
6. That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.
7. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
8. Prior to the issuance of a building permit, the owner agrees to install sump pumps unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
9. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
10. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
11. That the elevation and design for the new dwellings be submitted to, and approved by the General Manager, Planning Services, prior to the issuance of a building permit for the new dwelling.
12. That a site plan be prepared for the severed parcels indicating:
  - a) The location and design of the new dwelling;
  - b) The location and extent of driveway and legal off-street parking space for the new dwelling;
  - c) Grading, drainage and servicing information as required by the City Engineer; andAll of the above to be submitted to, and approved by the General Manager, Planning Services, prior to the issuance of a building permit for the new dwellings.

13. That the Owner shall pay development charges to the City in accordance with By-law Number (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereto.
14. Prior to building permit, the Owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.
15. The Owner acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. Based on the review of the 2006 Record of Site Condition (RSC) #3607 there is no defect associated with the RSC, change of land use from industrial to residential, and no Certificate of Property Use was associated with the property and Phase 1 ESA (2006). If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the Owner's expense.
16. If contamination is found, the Owner shall:
  - a) complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be developed meet the Site Condition Standards of the intended land use; and
  - b) file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be developed.
17. (a) Prior to any construction or grading on the lands, the Owner shall provide to the City, to the satisfaction of the General Manager/City Engineer, any of the following studies, plans and reports that may be requested by the General Manager/City Engineer:-
  - i) a site servicing and stormwater management report certified by a Professional Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual" which addresses the quantity and quality of stormwater discharge from the site;
  - ii) a noise and vibration study certified by a Professional Engineer to confirm that there is no adverse affect from the railway use;
  - iii) a detailed erosion and sediment control plan, certified by a Professional Engineer that indicates the means whereby erosion will be minimized and sediment maintained on-site throughout all phases of grading and construction;



- (b)The Owner shall, to the satisfaction of the General Manager/City Engineer, address and be responsible for adhering to all the recommended measures contained in the plans, studies and reports outlined in subsections (a) i) to (a) iii) inclusive, of this clause.
18. If repair, renovation or demolition activities are planned in the future for the portion of the building that encroaches the Site, appropriate management plans may be required for any potential ACMs, lead-based paints and PCBs (in light ballasts), prior to any construction or grading on the lands.
  19. Prior to any construction or grading on the lands, the Owner shall have a Professional Engineer design a grading and drainage plan for the site, satisfactory to the General Manager/City Engineer.
  20. Prior to any construction or grading on the lands, the Owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
  21. That the Owner enters into a Storm Sewer Agreement, as established by the City, providing a grading and drainage plan, registered on title, prior to any construction or grading on the lands.
  22. The Owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cuts and/or curb fills and furthermore, prior to any construction or grading on the lands, the owner shall pay to the City the estimated cost of the new driveway entrances and the required curb cuts and/or curb fills, as determined by the General Manager/City Engineer.
  23. That the Owner constructs the new buildings at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
  24. The Owner pays all the costs associated with the removal of the existing service laterals across the proposed retained lands and the city road allowance, prior to any construction and grading on the lands.
  25. The Owner pays all the costs associated with the removal of a portion of the existing building, concrete pads, asphalt pavement and the chain link fence from the proposed retained lands, prior to any construction and grading on the lands.
  26. The Owner pays the actual cost of constructing and installing sanitary and water service laterals required including any curb cuts and/or curb fills and furthermore, prior to any construction or grading on the lands, the owner shall pay to the City the

estimate cost of the service laterals, as determined by the General Manager/City Engineer.

27. The Owner shall place the following notification in the offer of purchase and sale for the dwelling units and to be registered on title:

a) that sump pumps will be required for the lots unless a gravity outlet for the foundation drain can be provided on the lots in accordance with a design by a Professional Engineer. Furthermore, sumps pumps must be discharged to the rear yard.

28. Prior to any construction or grading on the lands, any monitoring wells and boreholes drilled for hydro geological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines.

29. That the Owner shall include in all agreements of purchase and sale or lease for each dwelling unit the following warning clauses:

**“Warning:** Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres of the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successor as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. CNR will not be responsible for any complaints or claims arising from use of such facilities and/operations on, over or under the aforesaid right-of-way.

Purchasers are advised that due to the proximity of the future and existing industrial facilities, sound levels from the facilities may at times be audible.”

30. That a forced air ventilation system be installed in the new dwelling on the lands to be retained and that the ducts be sized to accommodate the future installation of an air conditioning unit by the occupant.

31. The Owner shall include in all agreements of purchase and sale or lease for a dwelling unit on the lands to be retained the following warning clauses:

32. “Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing rail may occasionally interfere with some activities of the dwelling occupants as the

sound levels exceed the noise criteria of the City and the Ministry of the Environment.

Purchasers/tenants are advised that this dwelling unit has been fitted with a forced air heating system and the ducting etc., was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City's and the Ministry of the Environment's noise criteria. Purchasers/tenants are advised that the outdoor air cooled condenser unit itself can produce noise to interfere with outdoor recreational activities. Due consideration should be given to this noise factor when selecting the air cooled condenser units location or an alternative quieter type of unit could be selected. The condenser unit sound rating should not exceed 7.6 bels in accordance with ANSI Standard 270-84 for units 3.5 ton or less. The location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and have due regard for compliance with criteria of MOE publication NPC-216, Residential Air Conditioning Devices."

33. That brick exterior wall construction be used on the east, west and north facades of all dwellings.
34. The Owner acknowledges and agrees to that all approved noise control measures shall be included in the development agreement and implemented as a condition of the approval of any severance.
35. The Owner may be required to grant CN an easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
36. The Owner enter into an Agreement with CN, stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
37. The Owner erect a fence, a minimum of 1.8 metres in height, along the new rear property lines, prior to occupancy of the new dwellings.
38. That prior to building permit, the Owner complete a Tree Inventory, Protection and Compensation Plan illustrating all existing trees greater than 10 cm dbh within 5 metres of the property (species, size, dbh, and condition) as well as protection during construction for trees that will remain, to the satisfaction of the General Manager of Planning Services.
39. The Owner shall pay to the City, the total cost of reproduction and distribution of the Guelph Residents Environmental Handbook, with such payment based on a cost

- of one handbook for each of the new dwelling units as determined by the City, prior to the issuance of any building permits.
40. That all electrical services to the lands are underground and the Developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
  41. That the Owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the said lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
  42. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed new dwelling, prior to the issuance of a building permit.
  43. That prior to endorsement of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
  44. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to July 12, 2014.
  45. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
  46. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
  47. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Reasons for approval being: -

1. The severance will result in proper use of the land and proper infill development.

Application B-43/13

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 A. Diamond and seconded by L. McNair,

“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 Lot A, Registered Plan 224, to be known as 65 Inkerman Street, a parcel with a frontage along Inkerman Street of 11.22 metres (36.81 feet) and a depth of 30.52 metres (100.13 feet), be approved, subject to the following conditions:

1. That the owner pays the actual cost of constructing new sanitary and water service laterals to the proposed retained lands and the proposed severed lands including the cost of any curb cuts and/or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
2. That the owner pays the actual cost of the construction of the new driveway entrances including the required curb cuts and/or curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
3. That prior to the issuance of any building permits on the proposed retained lands and the proposed severed lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the proposed retained lands and the for the proposed severed lands.
4. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorsement of the deeds.
5. That the owner constructs the new dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.

6. That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.
7. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
8. Prior to the issuance of a building permit, the owner agrees to install sump pumps unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
9. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
10. The Owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
11. That the elevation and design for the new dwellings be submitted to, and approved by the General Manger, Planning Services, prior to the issuance of a building permit for the new dwelling.
12. That a site plan be prepared for the severed parcels indicating:
  - a) The location and design of the new dwelling;
  - b) The location and extent of driveway and legal off-street parking space for the new dwelling;
  - c) Grading, drainage and servicing information as required by the City Engineer; andAll of the above to be submitted to, and approved by the General Manager, Planning Services, prior to the issuance of a building permit for the new dwellings.
13. That the Owner shall pay development charges to the City in accordance with By-law Number (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereto.

14. Prior to building permit, the Owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.
15. The Owner acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. Based on the review of the 2006 Record of Site Condition (RSC) #3607 there is no defect associated with the RSC, change of land use from industrial to residential, and no Certificate of Property Use was associated with the property and Phase 1 ESA (2006). If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the Owner's expense.
16. If contamination is found, the Owner shall:
  - a) complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be developed meet the Site Condition Standards of the intended land use; and
  - b) file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be developed.
17. (a) Prior to any construction or grading on the lands, the Owner shall provide to the City, to the satisfaction of the General Manager/City Engineer, any of the following studies, plans and reports that may be requested by the General Manager/City Engineer:-
  - i) a site servicing and stormwater management report certified by a Professional Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual" which addresses the quantity and quality of stormwater discharge from the site;
  - ii) a noise and vibration study certified by a Professional Engineer to confirm that there is no adverse affect from the railway use;
  - iii) a detailed erosion and sediment control plan, certified by a Professional Engineer that indicates the means whereby erosion will be minimized and sediment maintained on-site throughout all phases of grading and construction;

(b) The Owner shall, to the satisfaction of the General Manager/City Engineer, address and be responsible for adhering to all the recommended measures contained in the plans, studies and reports outlined in subsections (a) i) to (a) iii) inclusive, of this clause.
18. If repair, renovation or demolition activities are planned in the future for the portion of the building that encroaches the Site, appropriate management plans may be

- required for any potential ACMs, lead-based paints and PCBs (in light ballasts), prior to any construction or grading on the lands.
19. Prior to any construction or grading on the lands, the Owner shall have a Professional Engineer design a grading and drainage plan for the site, satisfactory to the General Manager/City Engineer.
  20. Prior to any construction or grading on the lands, the Owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
  21. That the Owner enters into a Storm Sewer Agreement, as established by the City, providing a grading and drainage plan, registered on title, prior to any construction or grading on the lands.
  22. The Owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cuts and/or curb fills and furthermore, prior to any construction or grading on the lands, the owner shall pay to the City the estimated cost of the new driveway entrances and the required curb cuts and/or curb fills, as determined by the General Manager/City Engineer.
  23. That the Owner constructs the new buildings at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
  24. The Owner pays all the costs associated with the removal of the existing service laterals across the proposed retained lands and the city road allowance, prior to any construction and grading on the lands.
  25. The Owner pays all the costs associated with the removal of a portion of the existing building, concrete pads, asphalt pavement and the chain link fence from the proposed retained lands, prior to any construction and grading on the lands.
  26. The Owner pays the actual cost of constructing and installing sanitary and water service laterals required including any curb cuts and/or curb fills and furthermore, prior to any construction or grading on the lands, the owner shall pay to the City the estimate cost of the service laterals, as determined by the General Manager/City Engineer.
  27. The Owner shall place the following notification in the offer of purchase and sale for the dwelling units and to be registered on title:
    - a) that sump pumps will be required for the lots unless a gravity outlet for the foundation drain can be provided on the lots in accordance with a design by a



Professional Engineer. Furthermore, sumps pumps must be discharged to the rear yard.

28. Prior to any construction or grading on the lands, any monitoring wells and boreholes drilled for hydro geological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines.
29. That the Owner shall include in all agreements of purchase and sale or lease for each dwelling unit the following warning clauses:

**“Warning:** Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres of the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successor as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. CNR will not be responsible for any complaints or claims arising from use of such facilities and/operations on, over or under the aforesaid right-of-way.

Purchasers are advised that due to the proximity of the future and existing industrial facilities, sound levels from the facilities may at times be audible.”

30. That a forced air ventilation system be installed in the new dwelling on the lands to be retained and that the ducts be sized to accommodate the future installation of an air conditioning unit by the occupant.
31. The Owner shall include in all agreements of purchase and sale or lease for a dwelling unit on the lands to be retained the following warning clauses:

“Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing rail may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the noise criteria of the City and the Ministry of the Environment.

Purchasers/tenants are advised that this dwelling unit has been fitted with a forced air heating system and the ducting etc., was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City’s and the Ministry of the Environment’s noise criteria. Purchasers/tenants are advised that the outdoor air cooled condenser unit itself can produce noise to

- interfere with outdoor recreational activities. Due consideration should be given to this noise factor when selecting the air cooled condenser units location or an alternative quieter type of unit could be selected. The condenser unit sound rating should not exceed 7.6 bels in accordance with ANSI Standard 270-84 for units 3.5 ton or less. The location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and have due regard for compliance with criteria of MOE publication NPC-216, Residential Air Conditioning Devices.”
32. That brick exterior wall construction be used on the east, west and north facades of all dwellings.
  33. The Owner acknowledges and agrees to that all approved noise control measures shall be included in the development agreement and implemented as a condition of the approval of any severance.
  34. The Owner may be required to grant CN an easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
  35. The Owner enter into an Agreement with CN, stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
  36. The Owner erect a fence, a minimum of 1.8 metres in height, along the new rear property lines, prior to occupancy of the new dwellings.
  37. That prior to building permit, the Owner complete a Tree Inventory, Protection and Compensation Plan illustrating all existing trees greater than 10 cm dbh within 5 metres of the property (species, size, dbh, and condition) as well as protection during construction for trees that will remain, to the satisfaction of the General Manager of Planning Services.
  38. The Owner shall pay to the City, the total cost of reproduction and distribution of the Guelph Residents Environmental Handbook, with such payment based on a cost of one handbook for each of the new dwelling units as determined by the City, prior to the issuance of any building permits.
  39. That all electrical services to the lands are underground and the Developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
  40. That the Owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the said lands,

as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.

41. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed new dwelling, prior to the issuance of a building permit.
42. That prior to endorsement of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
43. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to July 12, 2014.
44. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
45. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
46. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

Reasons for approval being: -

1. The severance will result in proper use of the land and proper infill development.

**Application:**                **B-37/13 and B-38/13**

**Owner:**                      **Teresa Marthaler**

**Agent:** Ron Kanter, MacDonald Sager Manis

**Location:** 1858 Gordon Street

**In Attendance:** Ron Kanter  
Krista  
Kritz and Andre Marthaler

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Kanter replied the notice sign was posted and comments were received from staff. He explained the Committee approved an application for severance as a lot addition under Application B-38/12. He noted the owner had concerns with the wording of some of the conditions which resulted in discussions with staff for clarification. He advised they appealed the conditions on the approval until the conditions could be clarified and the appeal has subsequently been withdrawn with the recommendations from staff before the Committee.

Planner M. Witmer advised Planning is supporting the recommended changes and are agreeable to them.

Committee member B. Birdsell arrived at the meeting. He had no declarations of pecuniary interest.

#### Application B-37/13

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

Moved by L. McNair and seconded by A. Diamond,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission for change of conditions are granted for 1858 to 1888 Gordon Street, resulting in the decision of the Committee of Adjustment B-54/12 being as follows:

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 11, Concession 8, 1858

Gordon Street, a parcel with a total area of 2.059 hectares (5.09 acres) as a lot addition to 1888 Gordon Street, subject to an easement over 1858 Gordon Street, with a width of 12.8 metres (42 feet) and a depth of 125.21 metres (410.75 feet) for future servicing for the consolidated 1888 Gordon Street, be approved, subject to the following conditions:

1. That the proposed severed parcel of land be conveyed to the abutting owner as a lot addition only (Form 3 Certificate).

2. That the following covenant is incorporated in the deed:-

"The conveyance of (Severed Lands - legal description - Lot and Plan), City of Guelph, County of Wellington, designated as (Part and 61R-Plan Number) as a lot addition only to (Legal Description of Lands to be joined with - Lot and Plan), and shall not be conveyed as a separate parcel from (Legal Description of Lands to be joined with - Lot and Plan)."

3. That prior to the endorsonation of the deeds, the applicant shall have an Ontario Land Surveyor show the location of the existing well, septic tank and tile beds, relevant to the existing and proposed property lines.

4. That prior to the endorsonation of the deeds, the applicant shall satisfy the City's Chief Plumbing/Sewage System Inspector, that the well, septic tank and tile beds are located in accordance with all appropriate regulations.

5. That prior to any development of the severed parcel, the owner of the severed parcel shall pay the proportionate share of the actual costs of the existing roadworks, existing watermain, sanitary sewer and storm sewers, catchbasins, service laterals, hydrants, sidewalks, curb and gutter and any street lighting upgrades on Gordon Street across the frontage of the said lands as determined by the General Manager/City Engineer.

6. That prior to any development of the severed parcel, the owner of the severed parcel will be required to connect the existing dwellings to the city's sanitary sewer and water main to the satisfaction of the City's Plumbing/Sewage System Inspector.

7. That prior to the connection of the existing dwelling at 1888 Gordon Street to the city's sanitary sewer and water main, the owner of the severed parcel shall decommission the existing septic tanks and tile bed systems and existing private wells to the satisfaction of the City's Plumbing/Sewage System Inspector.

8. That all structures on the property line be completely removed prior to the endorsonation of the deeds.

9. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to July 12, 2014.
10. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
11. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
12. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk.””

Carried.

#### Application B-38/13

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

Moved by L. McNair and seconded by A. Diamond,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 11, Concession 8, more particularly described as Parts 3 and 6 on a draft Reference Plan prepared by Callon Dietz, File No: 13-19060 dated July 5, 2013, a parcel with a width along Poppy Drive of 12.8 metres and a depth of 125.407 metres, as a lot addition to the consolidated parcel (Parts 1 and 2), municipally known s 1888 Gordon Street, be approved, subject to the following conditions:

1. That the proposed severed parcel of land be conveyed to the abutting owner as a lot addition only (Form 3 Certificate).

2. That the following covenant is incorporated in the deed:-

"The conveyance of (Severed Lands - legal description - Lot and Plan), City of Guelph, County of Wellington, designated as (Part and 61R-Plan Number) as a lot addition only to (Legal Description of Lands to be joined with - Lot and Plan), and shall not be conveyed as a separate parcel from (Legal Description of Lands to be joined with - Lot and Plan)."

3. That prior to endorstation of the deeds, the owner shall convey to the City, at their expense, a 0.3-metre (1') reserve across the 12.8-metre (42') frontage on Poppy Drive.

4. That prior to endorstation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the required conveyance.

5. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to July 12, 2014.

6. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.

7. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.

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

Carried.

**Applications: B-37/13, B-38/13, A-83/13 and A-84/13**

**Owner:** Caleb and Amy Hayhoe/Janette Hayhoe

**Agent:** Caleb Hayhoe/Janette Hayhoe

**Location:** 170 and 172 King Street

**In Attendance:** Caleb Hayhoe  
Amy Hayhoe  
Janette Hayhoe

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Hayhoe replied the notice sign was posted and comments were received from staff. He provided background on the history of ownership for the property and noted a private right-of-way was registered on 172 King Street to enable the owner of 170 King Street to park in one side of a garage. He noted the garage was in dreadful shape and was demolished in 2009. He explained the purpose of the applications was for a land exchange between the two parcels to provide more amenity area for 172 King Street. He noted that 170 King Street has an off-street parking space from King Street and they are utilizing a parking space from Derry Street.

Jeanette Hayhoe provided background about off-street parking in this neighbourhood which is close to the downtown and noted there are many similar circumstances throughout the neighbourhood.

Committee member L. McNair questioned if staff was concerned about the building at 172 King Street encroaching on the Derry Street road allowance.

Mr. Hayhoe replied they have received encroachment agreement for the portion of the building and an annual fee is paid.

Committee member L. McNair expressed concern about a the 4 metre deep parking spaces for both 170 and 172 King Street and the reliance on the City right-of-way.

Ms. Kirkwood provided an option for the Committee to consider, being deferral to meet with staff to review the opportunity to provide two legal off-street parking spaces.

Planner M. Witmer noted staff met with owners last year advised that off-street parking was a concern.

Ms. Hayhoe replied they could entertain discussions with staff to supply off-street parking spaces for both parcels.

Planner M. Witmer noted the exterior parking space depth requirement is 5.5 metres.



Discussion among Committee members identified the owners could meet with Planning staff and works could be undertaken to provide a legal off-street parking space for both parcels. As such, the consents could be supported and the off-street parking variances would not be necessary.

Application Number B-34/13

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

Moved by L. McNair and seconded B. Birdsell,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 5, Registered Plan 40, known as 170 King Street, a parcel to the rear of the property with a width of 5 metres and a depth of 2 metres, as a lot addition to the abutting property at 172 King Street, be approved, subject to the following conditions:

1. That the owners comply with the Zoning By-law requirements for minimum parking space size, satisfactory to the Manager of Planning Services and the General Manager/City Engineer, prior to endorsement of the deeds.
2. That the proposed severed parcel of land be conveyed to the abutting owner as a lot addition only (Form 3 Certificate).
3. That the following covenant is incorporated in the deed:-

"The conveyance of (Severed Lands - legal description - Lot and Plan), City of Guelph, County of Wellington, designated as (Part and 61R-Plan Number) as a lot addition only to (Legal Description of Lands to be joined with - Lot and Plan), and shall not be conveyed as a separate parcel from (Legal Description of Lands to be joined with - Lot and Plan)."

4. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to July 12, 2014.
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 endorsement of the deed.

6. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
7. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Application Number A-83/13

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. McNair and seconded B. Birdsell,

"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, 4.13.3.2.2. and 4.6.2.2 of Zoning By-law (1995)-14864, as amended, for 170 King Street, to permit the off-street parking space to be located in the gravel drive from King Street, 0 metres from King Street with a depth of 4 metres and partially located in the driveway sightline triangle for the driveway at 164 King Street when the By-law requires the off-street parking space be located a minimum of 6 metres from the street property line, with a minimum depth of 5.5 metres and not be located within any driveway sightline triangle, be refused."

Carried.

Application Number B-35/13

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

Moved by L. McNair and seconded B. Birdsell,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 5, Registered Plan 40, known as 172 King Street, a parcel to the rear of the property with a width of 3.5 metres and a depth of 2.9 metres, as a lot addition to the abutting property at 170 King Street, be approved, subject to the following conditions:

1. That the owners comply with the Zoning By-law requirements for minimum parking space size, satisfactory to the Manager of Planning Services and the General Manager/City Engineer, prior to endorsement of the deeds.
2. That the proposed severed parcel of land be conveyed to the abutting owner as a lot addition only (Form 3 Certificate).
3. That the following covenant is incorporated in the deed:-

"The conveyance of (Severed Lands - legal description - Lot and Plan), City of Guelph, County of Wellington, designated as (Part and 61R-Plan Number) as a lot addition only to (Legal Description of Lands to be joined with - Lot and Plan), and shall not be conveyed as a separate parcel from (Legal Description of Lands to be joined with - Lot and Plan)."

4. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to July 12, 2014.
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 endorsement of the deed.
6. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
7. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk.”

Carried.

Application Number A-84/13

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. McNair and seconded B. Birdsell,

“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 172 King Street, to permit the off-street parking space to park in the rear yard 4.5 metres from the Derry Street property line when the By-law requires the off-street parking space be located a minimum of 6 metres from the street property line, be refused.”

Carried.

**Application: A-90/13**  
**Owner: 2298907 Ontario Inc.**  
**Agent: Brian Collier; Spec Construction Inc.**  
**Location: 320 Eastview Road**  
**In Attendance: No One**

Planner M. Witmer noted staff is actively working with the owner reviewing a drive thru for the property. He noted the reason staff is recommending a deferral is more review is required with this added use to determine further variances may be required.

Moved by L. McNair and seconded by A. Diamond,

“THAT Application A-90/13 for 2298907 Ontario Inc. at 320 Eastview Road, be deferred sinedie, to discuss with the neighbours a possible compromise and in accordance with the Committee’s policy on applications deferred sinedie, that the applications 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.”

Carried.

**Application:** A-89/13  
**Owner:** Michael House Pregnancy Care Centre  
**Agent:** Angela Smith, Michael House Pregnancy Care Centre  
**Location:** 12 Tiffany Street, East  
**In Attendance:** Angela Smith

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. Smith replied the notice sign was posted and comments were received from staff. She had no further information to add to 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 A. Diamond and seconded by B. Birdsell,

“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 4.7 – Row 1 and Section 5.1.2.7.i) of Zoning By-law (1995)-14864, as amended, for 12 Tiffany Street, East, to construct a 2.67 metre by 3.2 metre (8.75 foot by 10.5 foot) single storey addition which will be constructed in line with the front wall of the dwelling, along with a 0.76 meter (2.5 foot) access ramp, all being located 0.15 metres (0.5 feet) from the front property line when the By-law requires a minimum setback equal to the average of the setbacks of the properties having lot frontage within the same City Block Face [1.49 metres (4.88 feet)] and a minimum of 0.8 metres (2.62 feet) from the front lot line for the access ramp, be approved, subject to the following condition:

1. That prior to issuance of any building permits, the applicant make arrangements with the Technical Services Department for the possible relocation of the hydro service to the house. This would be at the owner/applicant expense.”

Carried.

Reason for approval being:

1. The variance will result in appropriate use of the property.

**Application:** A-65/13  
**Owner:** Mozhgan Miri/Mustafah Chomishah  
**Agent:** Mozhgan Miri/Mustafah Chomishah  
**Location:** 764 Willow Road  
**In Attendance:** Mozhgan Miri

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. Miri replied the notice sign was posted and comments were received from staff.

Committee member A. Diamond questioned if adequate parking will be provided for the accessory unit.

Planner M. Witmer replied the applicant has a double car garage and double width driveway.

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 B. Birdsell and seconded by L. McNair,

“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 4.15.1.5 and Table 5.1.2-Row 12 of Zoning By-law (1995)-14864, as amended, for 764 Willow Road to permit a 103.1 square metre (1,110 square foot) accessory unit when the By-law requires an accessory unit not exceed 80 square metres (861 square feet) in floor area, and to maintain a 3.5 square metre (38 square foot) concrete walk 0.3 metres (1 foot) from the right side property line when the By-law requires a minimum landscaped open space a minimum of 0.5 metres (1.64 feet) between the driveway and nearest lot line, be approved.”

Carried.

**Application:** A-82/13

**Owner:**                   **Melissa Dean**

**Agent:**                   **Mark Lough**

**Location:**               **76 Water Street**

**In Attendance:**       **Mark Lough**  
                              **David Markwise**  
                              **Patricia Jamieson**  
                              **Melissa Dean**  
                              **Karen Balcolm**  
                              **Mark Lough**  
                              **John Gruzlinski**  
                              **Roy Allingham**  
                              **Brandon Wilcox**  
                              **Guy Keys**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

The Committee and applicant reviewed comments received from Heritage Guelph on the application.

Mr. Lough replied the notice sign was posted and comments were received from staff. He explained he proposes to demolish the existing dwelling and construct a new residential dwelling requiring variances for side yard and setback.

Planner M. Witmer advised Planning Services supports the recommended conditions from Heritage Guelph which can replace their recommend condition.

Mr. Lough questioned why a 3.1 metre setback could not be supported by staff.

Planner M. Witmer replied staff would support the 3.1 metre setback which is the average setback for the block face; however the off-street parking space (garage) requires a minimum metre setback from the street property line.

Guy Keys, a resident of 70 Water Street, Brandon Wilcox from 72 Water Street, Karen Balcolm from 12 Albert Street, John Gruzleski from the Old University Residents' Association and Roy Allingham from 18 Mary Street expressed concern about the mass of the building, design of the building, and need to deal with this request with the process in motion to classify this as a Heritage District to protect the existing character of the neighbourhood and the affect of the construction of a similar structure at 12 Mary Street by the applicant.

In response to concerns expressed by the neighbours, Manager of Development Planning S. Kirkwood noted the Zoning By-law permits three storey structures for properties located in Defined Area Map 66 with a 1.5 metre side yard.

Mr. Lough responded to the concerns expressed and noted some people love the design of the structure at 12 Mary Street. He noted the present house at 76 Water Street encroaches on the adjacent property and is occupied by a run-down cottage.

Chair R. Funnell questioned if the off-street parking space was moved back to 6 metres if they would require a side yard variance only.

Planner M. Witmer replied a side yard variance would be the only variance required.

### Decision 1 of 2

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 B. Birdsell and seconded by L. McNair,

“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 76 Water Street, to permit a new residential dwelling to be constructed with 1.21 metre (4 foot) right and left side yards when the By-law requires a minimum side yard of 1.5 metres (4.92 feet), be approved, subject to the following condition:

1. That prior to the issuance of a building permit, the applicant submit for review and comment by Heritage Guelph:
  - a) A full site plan (indicating all dimensions and the relationship of the proposed front wall to the front walls of the adjacent properties;
  - b) Four elevations showing the design, massing and materials of the proposed dwelling;
  - c) Street view indicating relationship of massing of the proposed dwelling to the adjacent buildings and streetscape.”

Carried.

### Decision 2 of 2



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. McNair and seconded by B. Birdsell,

“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 76 Water Street, to permit the off-street parking space (garage space) for a new residential dwelling to be located 3.1 metres (10.2 feet) from the front property line when the By-law requires the off-street parking space be setback a minimum of 6 meters (19.68 feet) from the front property line, be refused.”

Carried.

**Application:** A-85/13

**Owner:** Cristin, Arthur and Cecilia McCarty

**Agent:** Cristin McCarty

**Location:** 1 Louisa Drive

**In Attendance:** Cristin McCarty  
Arthur McCarty  
Cecilia McCarty  
Angela Alps  
Mark and Tracy Parfect  
Frances LeBraun  
Wanda Lisewski

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. McCarty replied the notice sign was posted and comments were received from staff. He explained they recently purchased the house and provided reasons why the deck and fence were constructed in its current location. It was noted the construction replaced an old fence and overgrown shrub which is an improvement to the property. A petition was submitted in support of the variance requested.

Committee member L. McNair questioned if the encroachment agreement can be for the lifetime of the deck only.

Staff noted that authority is under the Encroachment Agreement By-law which is not within the govern of the Committee of Adjustment.

Angela Alpe, a resident of 122 Grange Street, the resident of 121 Grange Street provided support for the application.

Committee member L. McNair suggested the wood deck and fence should be included in the encroachment application.

The Committee agreed.

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. McNair and seconded by A. Diamond,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7-Row 1 of Zoning By-law (1995)-14864, as amended, for 1 Louisa Drive, to permit a 4.8 metre by 9.4 metre (15.83 foot by 31 foot) deck in the exterior side yard to be located 0 metres from the exterior side lot line when the By-law requires the deck be situate a minimum of .8 metres (2.62 feet) from the exterior side lot line and to project 8.8 metres (28.87 feet) into the required exterior side yard when the By-law permits a maximum projection into the exterior side yard of 3 metres (9.84 feet), be approved, subject to the following condition:

1. That prior to use, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of the existing wood deck and fence that encroaches onto the Louisa Drive right-of-way.”

Carried.

**Application:** A-85/13

**Owner:** Tat Wai Lei

**Agent:** Tat Wai Lei

**Location:** 87 Curzon Crescent

**In Attendance:** Tat Wai Lei  
Evelyn Delworth  
Wanda Lisewski  
Ben Pasquale  
Kate Fulner

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Lei replied the notice sign was posted and comments were received from staff. He explained parking on the street has caused safety concerns and one less car on the road is better.

Ms. Delworth explained she submitted a letter in objection and gave a presentation in objection to the application.

Ben Pasquale a resident of 89 Curzon Crescent supported the application. He noted he would like to construct a basement apartment in the future and would be able to provide the parking with an increase in driveway width.

Kate Fulner a resident of 91 Curzon Crescent spoke in favour of the application and supported the basement apartment located in the unit.

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 A. Diamond and seconded by B. Birdsell,

“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 5.2.2 – Row 15 of Zoning By-law (1995)-14864, as amended, for 87 Curzon Crescent, to permit a driveway width of 5 metres (16.4 feet) which constitutes 67.7% of the front yard when the By-law requires the driveway not constitute more than 40% of the front hard [maximum width of 2.95 metres (9.67 feet)], be refused.”

Carried.

Reasons for refusal being:

1. 68% of the front occupied by hard surface (driveway) is not minor and the intent of the By-law is not being maintained as it does not protect important green space.

**Application:** A-88/13  
**Owner:** 536357 Ontario Ltd.  
**Agent:** Drew Gillingham  
**Location:** 72 Macdonell Street  
**In Attendance:** Drew Gillingham

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Gillingham replied the notice sign was posted. He advised staff has requested a deferral and they are more than happy to wait until the study is completed.

Moved by L. McNair and seconded by A. Diamond,

“THAT Application A-88/13 for 536357 Ontario Ltd. at 72 Macdonell Street, be deferred sinedie, to discuss with the neighbours a possible compromise and in accordance with the Committee’s policy on applications deferred sinedie, that the applications 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.”

Carried.

**Application:** A-87/13  
**Owner:** 536357 Ontario Ltd.  
**Agent:** Drew Gillingham  
**Location:** 9 Wyndham Street North  
**In Attendance:** Drew Gillingham

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Gillingham replied the notice sign was posted. He advised staff has requested a deferral and they are more than happy to wait until the study is completed.

Moved by L. McNair and seconded by A. Diamond,

“THAT Application A-87/13 for 536357 Ontario Ltd. at 9 Wyndham Street, North, be deferred sinedie, to discuss with the neighbours a possible compromise and in accordance with the Committee’s policy on applications deferred sinedie, that the applications 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.”

The meeting adjourned at 7:05 p.m.

R. Funnell  
Chair

K. E. Fairfull  
Secretary-Treasurer

**Committee of Adjustment**  
Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday July 23, 2013 at 4:00 p.m. in Committee Room 112, City Hall, with the following members present:

D. Kelly, Chair  
R. Funnell, Vice-Chair  
A. Diamond  
C. Downer  
L. McNair  
J. Hillen  
B. Birdsell

Staff Present: K. Fairfull, Secretary-Treasurer  
M. Witmer, Planner  
S. Laughlin (until 4:30 p.m.)

Declarations of Pecuniary Interest

Committee member J. Hillen declared a pecuniary interest for Applications A-93/13, B-44/13 and A-94/13 as the owner is a client.

Approval of Minutes from Last Meeting

Moved by L. McNair and seconded by A. Diamond,

“THAT the Minutes from the July, 2013 meeting of the Committee of Adjustment, be approved, as printed and circulated.”

Carried.

Other Business

Chair D. Kelly advised three requests for refund or partial refund of application fees have been received for consideration of the Committee.

Applications A-87/13 and A-88/13 72 Macdonell Street and 9 Wyndham Street.

Moved by L. McNair and seconded by A. Diamond,

“THAT no deferred fee be charged for A-87/13 at 72 Macdonell Street and for Application A-88/13 at 9 Wyndham Street, North.”

Carried.

Applications B-39/13 to B-43/13 – Inkerman Street

Moved by L. McNair and seconded by A. Diamond,

“THAT no action be taken on the request for a 50% reduction on the application fees and administration fees for Applications B-39/13 to B-43/13, Inkerman Street.”

Carried.

Applications A-79/12 and A-6/13 - 103 Lynch Circle

Moved by C. Downer and seconded by R. Funnell,

“THAT no action be taken on request for refund of application fees for Application A-79/12 and A-6/13 at 103 Lynch Circle.”

Carried.

The Secretary-Treasurer advised the Ontario Municipal Board hearing has been re-scheduled to September 13, 2013 for 553 Edinburgh Road, South.

**Application:** B-45/12  
**Applicant:** University of Guelph  
**Agent:** Laura Vanderveldt  
**Location:** 221 Stone Road, East (32 Bayberry Drive)  
**In Attendance:** Laura Vanderveldt

The Secretary-Treasurer noted revised comments were received from Planning staff on the application.

Chair D. Kelly questioned if the signs had been posted in accordance with Planning Act requirements.

Ms. L. Vandervelt Replied the notice sign was posted and comments were received from staff. She requested the Committee consider deferral of the application until the August meeting of the Committee of Adjustment to enable their solicitor to meet with staff concerning a parking licensing agreement that may be required.

Moved by R. Funnell and seconded by B. Birdsell,

“THAT Application B-45/13 for Reid’s Heritage Homes at 221 Stone Road, East, be deferred until the August 13, 2013 meeting of the Committee of Adjustment and that the deferral application fee be paid prior to reconsideration of the application.”

Carried.

Committee member J. Hillen, having declared a pecuniary interest, left the room.

**Application:**            **A-93/13**  
**Applicant:**            **Upper Grand District School Board**  
**Agent:**                **Jennifer Passy**  
**Location:**            **25 Lee Street**  
**In Attendance:**       **Jennifer Passy**

Chair D. Kelly questioned if the signs had been posted in accordance with Planning Act requirements.

Ms. Passy replied the notice sign was posted and comments were received from staff. She explained the school site was assembled from lands owned by the municipality and development lands which resulted in the lot frontage for the purposes of zoning being along Cityview Drive.

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 B. Birdsell and seconded by A. Diamond,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, cP13, as amended, a variance from the requirements of Table 8.2 – Row 7 of Zoning By-law (1995)-14864, as amended, for 25 Lee Street, to permit a lot frontage along Cityview Drive of 27.969 metres when the By-law requires a minimum lot frontage of 30 metres, be approved.”



**Applications:** B-44/13 and A-94/13

**Applicant:** Upper Grand District School Board

**Agent:** Jennifer Passy

**Location:** 87 Winston Crescent

**In Attendance:** Jennifer Passy  
Angela Paquette-Blair

Chair D. Kelly questioned if the signs had been posted in accordance with Planning Act requirements.

Ms. Passy replied the notice sign was posted and comments were received from staff. She explained the right-of-way has existed in the left side yard of 87 Winston Crescent since 1962 as an access laneway to Laurine Avenue Public School. She advised that there has been confusion who is responsible for the maintenance of the laneway as the City maintained it for years, and, with the long term commitment for the construction of John Galt School, the Board has made an offer on the lands and will be responsible for the maintenance.

Application B-44/13

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

Moved by L. McNair and seconded by C. Downer,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 36, Registered Plan 405, 87 Winston Crescent, a parcel with a frontage along Winston Crescent of 1.83 metres (6.2 feet) and a depth of 33.98 metres (111.48 feet), as a lot addition to John Galt Public School at 50 Laurine Avenue, be approved, subject to the following conditions:

1. That the proposed severed parcel of land with a width of 1.83 metres (6.2 feet) and a depth of 33.96 metres (111.48 feet) be conveyed to the abutting owner (Upper Grand District School Board) as a lot addition only (Form 3 Certificate).
2. That the following covenant is incorporated in the deed:-

"The conveyance of **(Severed Lands - legal description - Lot and Plan)**, City of Guelph, County of Wellington, designated as **(Part and 61R-Plan Number)** as a lot

- addition only to **(Legal Description of Lands to be joined with - Lot and Plan)**, and shall not be conveyed as a separate parcel from **(Legal Description of Lands to be joined with - Lot and Plan).**"
3. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to July 26, 2014.
  4. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
  5. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
  6. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

#### Application A-94/13

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. McNair and seconded by C. Downer,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, cP13, as amended, variances from the requirements of Sections 5.1.2.6., 4.5.1.2. and Table 5.1.2 – Row 3 and 4 of Zoning By-law (1995)-14864, as amended, for 87 Winston Crescent, to permit the retained parcel from severance Application B-44/13, a) to have a lot frontage of 13.4 metres (44 feet) when the By-law requires a minimum frontage of 14.56 metres (47.79 feet);

- b) to permit a lot area of 455.67 square metres (4,904.8 square feet) when the By-law requires a minimum lot area of 460 square metres (4,951.4 square feet) and,
- c) to permit the existing shed in the rear yard to be situate 0.44 metres (0.45 feet) from the rear side lot line and 0.39 metres (1.31 feet) from the rear lot line when the By-law requires an accessory building be located a minimum of 0.6 metres (1.97 feet) from any property line,

be approved, subject to the following condition:

1. That the conditions imposed for Application B-44/13 be and form part of this approval.”

Carried.

Committee member J. Hillen was summoned back to the room.

**Application:** A-92/13  
**Applicant:** Meril and Andrew Epler  
**Agent:** Meril Epler  
**Location:** 61 Downey Road  
**In Attendance:** Meril Epler

Chair D. Kelly questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Epler replied the notice sign was posted and comments were received from staff. He explained the apartment was constructed in 1989 before they owned the property and it was recently discovered the apartment did not receive a building permit or municipal approvals. He explained the impact on their family with the removal of the apartment. He noted they rent to families only and keep the unit well maintained.

There were no questions from the Committee.

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 R. Funnell and seconded by L. McNair,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, cP13, as amended, a variance from the requirements of Section 4.15.1.5. of Zoning By-law (1995)-14864, as amended, for 61 Downey Road, to permit a 101.26 square metre (1,090 square foot) accessory unit when the By-law limits the area of an accessory apartment to a maximum of 80 square metres (861.1 square feet), be approved.”

Carried.

**Application:** A-91/13  
**Applicant:** Katherine Hebert  
**Agent:** Donald Hebert  
**Location:** 25 Aberdeen Street  
**In Attendance:** Donald Hebert

Planner M. Witmer advised the Committee he attended the property on a site visit and provided a photo for the Committee to review. He noted the current owner wants to restore a porch configuration which existed at one time and not completing the renovation would result in a façade which would be too heavy.

Chair D. Kelly questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Hebert replied the notice sign was posted and comments were received from staff. He explained their two front bedrooms were located over the open porch and the floors were always cold. He advised he retained his brother in law to start the construction and found out he did not get a building permit. He noted that if approved they will be able to insulate the ceiling which will result in warmer bedrooms above.

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 C. Downer and seconded by B. Birdsell,

July 23, 2013 C of A Minutes

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, cP13, as amended, a variance from the requirements of Section 5.1.2.7.i) of Zoning By-law (1995)-14864, as amended, for 25 Aberdeen Street, to enclose the existing front porch which will be situate 0.07 metres (0.25 feet) from the front lot line when the By-law requires a minimum front yard of 3.76 metres (12.33 feet), be approved.”

Carried.

The meeting adjourned at 4:45 p.m.

D. Kelly  
Chair.

K. E. Fairfull  
Secretary-Treasurer.

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday August 13, 2013 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell – Vice-Chair  
J. Hillen  
B. Birdsell  
A. Diamond  
L. McNair  
D. Kelly, Chair

Regrets: C. Downer

Staff Present: M. Witmer, Planner  
S. Laughlin, Planner  
K. Fairfull, Secretary-Treasurer  
M. Bunnnett, Assistant Secretary-Treasurer

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Meeting Minutes

Moved by B. Birdsell and seconded by A. Diamond,

“THAT the Minutes from the July 27, 2013 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

The Secretary-Treasurer advised that an Ontario Municipal Board hearing has been scheduled for application A-35/12 for 7 Crawford Street. The appeal will be heard on Friday, October 11, 2013 at meeting room 112 at City Hall. The application was for the height of an accessory structure which was refused by the Committee.

The Secretary-Treasurer noted that she has circulated an internal memo to the Committee members regarding an update on the audit done by Legal Services.

**Application:** B-47/13

**Owner:** Reid's Heritage Homes

**Agent:** n/a

**Location:** 64 Frederick Drive

**In Attendance:** Alfred Artinger  
Laura Vanderveldt

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. L. Vandervelt replied the sign was posted and the staff comments were received. She explained that they agree with most of the comments except for Engineering Services comment number one. She further explained that the servient tenement should be the holder of the private roadway which is Westminster Woods Holding Corporation.

There were no questions from the members of the Committee. It was agreed to amend Engineering Services condition number one to state: "That prior to endorsement of the deeds, the servient tenement, Westminster Woods Holding Corporation, grants an easement..."

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 R. Funnell and seconded by L. McNair,

"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 right-of-way over Block 90, Part of Blocks 86 and 88, Registered Plan 61M-160, more particularly described as parts 2, 4, 10 and 19 on Reference Plan 61R-11462, a right-of-way for vehicular and pedestrian ingress and egress through a private condominium property along Lynnmore Street, Waterford Drive and Katemore Drive, in favour of a commercial property municipally known as 64 Frederick Drive, be approved, subject to the following conditions:

1. That prior to endorsement of the deeds, the servient tenement, Westminster Woods Holding Corporation, grants an easement irregular in shape, being Parts 2, 4, 10 & 19 - Registered Plan 61R-11446, in favour of the dominant tenement (future commercial plaza), for provision of vehicular and pedestrian ingress and egress.

2. That prior to endorsement of the deeds, the owner of 64 Frederick Street, shall have an Ontario Land Surveyor prepare a reference plan identifying the easement.
3. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to August 16, 2014.
4. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
5. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
6. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

**Application:** B-45/13 and A-99/13

**Owner:** University of Guelph

**Agent:** Reid's Heritage Homes

**Location:** 32 Bayberry Drive / 221 Stone Road East

**In Attendance:** Alfred Artinger  
Laura VanderVeldt

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. A. Artinger replied the sign was posted and the staff comments were received. He explained that Reid's Heritage Homes has a head lease with the University of Guelph until July



1, 2052. He further explained the nature of the applications. He commented that the Village by the Arboretum has adequate parking but the lands specific to the break out lease does not have sufficient parking. He explained that they will enter into a licensing agreement to accommodate the parking. He referred to a comment received from a member of the public explaining that the roadway is a City issue and beyond their control.

There were no questions from the members of the Committee.

Application B-45/13

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

Moved by L. McNair and seconded by A. Diamond,

“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 release of an existing lease and to permit a new lease until July 1, 2052, for Part Lot 1, Concession 8, designated as Parts 2, 3 and 4 on Reference Plan 61R-11638, known municipally as 32 Bayberry Drive, a building for an assisted living facility retirement home, together with an easement for ingress and egress for pedestrians and motor vehicles to and from Stone Road and an easement for utilities, surface water drainage, construction and services over 221 Stone Road East, be approved, subject to the following conditions:

1. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to August 16, 2014.
2. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
3. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
4. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the

draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk.”

Carried.

Application A-99/13

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. McNair and seconded by A. Diamond,

“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 5.5.2.2.3.4.1 of Zoning By-law (1995)-14864, as amended, for 32 Bayberry Drive, to permit 88 off-street parking spaces on site and 30 off-street parking spaces on the adjacent property at 221 Stone Road West when the By-law requires a total of 118 off-street parking spaces to be provided on the site, be approved, subject to the following condition:

1. That the conditions imposed for Application B-45/13 be and form part of this approval.”

Carried

Mr. A. Artinger noted that he has asked for a refund of the deferral fee in writing.

Planner S. Laughlin objected to the request and commented that the original application was inaccurate which resulted in a deferral.

A brief discussion took place between the Committee members regarding the deferral fees and the cost of processing the applications.

Consideration of Refund of the Deferral Fee for Application B-45/13

Moved by L. McNair and seconded by R. Funnell,

“THAT the Secretary refund ½ of the deferral fee (\$115.00) for Application B-45/13 at 32 Bayberry Drive.”

Carried

**Application:** A-95/13  
**Owner:** Glen Miller  
**Agent:** n/a  
**Location:** 8 Industrial Street  
**In Attendance:** Glen Miller

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. G. Miller replied yes and yes. He was available for any questions.

There were no questions from the members of the Committee.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by B. Birdsell and seconded by A. Diamond,

“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 extend the legal non-conforming use for 8 Industrial Street, with a second storey residential addition in line with the existing residential dwelling building walls, 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 Guelph Hydro Electric Systems Inc. for the possible relocation of the overhead hydro service. This would be at the applicant’s expense.”

Carried

**Application:** A-100/13  
**Owner:** Keiran Graf and Peter Barkman  
**Agent:** n/a

August 13, 2013 C of A Minutes

**Location:** 143 London Road West

**In Attendance:** Keiran Graf  
Thomas Gibson

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. K. Graf replied that he did receive the staff comments but he did not post the sign. He explained that he was supposed to pick up the sign when it was ready which he did not do. He commented that it was not clear that he had to post the sign two weeks ahead of the meeting.

Chair D. Kelly explained that the mandatory posting of the sign is regulated in the Planning Act.

Mr. T. Gibson, resident of 2 Kathleen Street, commented that the owner explained to the neighbours what he was planning on doing.

Planner M. Witmer commented that under the Planning Act there are two ways of giving notice. He explained that a notice must be sent to the neighbours. He further explained that in addition to mailing the notice, the City can decide whether a notice is placed in a newspaper or if a sign will be posted on the property. He explained that the City's standard practise is to have the owner post a sign on the property.

Chair D. Kelly noted that the Committee members may have to defer the application to allow for the proper posting of the sign.

Mr. K. Graf replied that he understands the next meeting is not until September and he is under pressure to complete the renovations. He questioned whether it would be appropriate to go door to door to get signatures from his neighbours.

Planner M. Witmer advised that he feels confident the Committee does have the option to consider the application if they feel that sufficient notice has been given.

Mr. K. Graf explained that he has already spoken with the owners of several houses on London Road and Kathleen Street regarding his application.

Committee member L. McNair commented that given the nature of the application itself, he does not see a problem with considering the application.

A brief discussion took place regarding requirements of giving proper notice.

The property owner had no other comments to add regarding his 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 L. McNair and seconded by A. Diamond,

“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 143 London Road West, to permit a dormer addition to the rear of the residential dwelling to be located 0.86 metres from the right side lot line when the By-law requires that a minimum side yard of 1.5 metres be provided, be approved.”

Carried

Committee member J. Hillen advised the owner that he must post the sign after this meeting and have it posted until the appeal period expires.

Mr. K. Graf agreed to post the sign.

**Application:** A-96/13  
**Owner:** Rodney Kubis  
**Agent:** n/a  
**Location:** 21 Stevenson Street North  
**In Attendance:** Rodney Kubis

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. R. Kubis replied the sign was posted and the staff comments were received. He explained that his hobby is storing old sports cars. He noted that currently he has two tent garages and the noise emanates from these tents. He commented that he was aware that the proposed design did not comply with the regulations. He noted that he wanted to avoid attaching it to the house to eliminate costs. He explained that he is willing to make changes to the design to alleviate concerns but the garage needs to be larger than 70 square metres to accommodate his hobby.

August 13, 2013 C of A Minutes

Committee member A. Diamond commented that if the main dwelling on the property was larger, the proposal to build a large, three car detached garage would be acceptable.

Committee member L. McNair questioned whether the second storey is the biggest concern.

Planner M. Witmer replied that the second storey makes it appear excessive and raises concerns for possible human habitation and a home business which are not permitted. He added that it being connected to plumbing makes it easier to convert to an accessory unit.

Committee member L. McNair questioned whether the applicant could resolve the issues through consultation with staff.

Mr. R. Kubis replied that he could attach it to the house and it would not be an issue.

Committee member J. Hillen noted that the height is of concern and is not minor in nature. He advised that the side yard setbacks regulations will change if the garage is attached to the existing dwelling.

Planner M. Witmer explained that an accessory structure could become a coach house but that would involve a zone amendment and would not be dealt through a minor variance 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 J. Hillen and seconded by R. Funnell,

“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 4.5.1.4 and 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for 21 Stevenson Street North,

- a) to permit an accessory structure in the rear yard to have an area of 90 square metres when the By-law permits a maximum area of 70 square metres, and
- b) to permit the accessory structure to have a height of 6.4 metres when the By-law permits a maximum height of 3.6 metres (measured at the mid-point between the eave and the ridge),

be refused.

Reason for refusal being:

1. Height of the building is 45% more than permitted in the by-law, the increase is not minor in nature.”

Carried

**Application:** B-46/13, A-97/13, A-98/13

**Owner:** Estate of Margaret Emslie

**Agent:** JL Cox Planning Consultants Inc.

**Location:** 28 Jackson Street

**In Attendance:** John Cox  
Karen Prentice  
Bill Woodward  
Joe McKenna  
Debbie Newcombe  
Anne Kennedy  
Barb Howes  
Lindsey Ferguson  
Tony Trollope  
Roger McInnis  
Kathy Bolton  
Danny Bolton  
Liz Ferguson  
Meg Penstone  
Dwight Syms  
Melanie Berard  
Derek Berard

The Assistant-Secretary Treasurer advised that an email was submitted after the comment deadline from a resident at Parkholm Avenue. The email was summarized briefly.

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. J. Cox replied the sign was posted and the comments were received. He explained that he is purchasing the property from the family estate for his own purposes. He noted that he would like to build a bungalow or bungalow on the severed lot. He commented that he is a former resident of the area and he appreciates the residents' perspectives. He summarized the variances requested. He explained that what used to be the front yard of the retained parcel

becomes the exterior side yard. He also explained that the existing house has had the same setback for 60 years. He quoted the Official Plan residential infill requirements and noted that he meets these requirements. He noted that he will need to replace one large tree but is hoping to retain significant vegetation. He commented that he is proposing a single car garage which would only occupy 1/3 of the house. He also commented that any concerns with drainage will be addressed once a drainage plan is submitted. He noted that he met with three of the neighbours who are mostly affected with the proposal.

Committee member J. Hillen questioned if there is a maximum building height limitation since Planning Services is recommending 1.5 to 2 stories.

Planner Ms. S. Laughlin replied the maximum building height is three stories. She explained that Planning Services will review and approve the drawings submitted for a building permit. She continued by explaining that if the proposal was for a three story high dwelling, Planning Services would state that this would not be in keeping with the character of the neighbourhood as required per provincial policies.

Ms. K. Prentice of 29 Jackson Street handed out petitions to the Committee members and noted that she is speaking on behalf of the neighbourhood. She explained that the proposed lot frontage does not conform to the minimum requirements. She commented that she believes the frontages along Jackson Street are averaging at 19.12 metres which is more than the proposed 12 metres. She also quoted the measurement of total side yards combined being 8.97 metres and the proposed 2.4 metres does not meet the section of the by-law. She was requesting the Committee members to decline the severance and variance requests.

Committee member B. Birdsell questioned whether this is the correct interpretation of the calculation of the frontage.

Planner S. Laughlin explained that the number for the frontage is calculated from the average block face on Jackson Street side which only has two properties with no lot frontages. She further explained that the By-law defaults the frontage requirement to 15 metres. She noted that if the average of the block face is greater than 15 metres, it would also default back to the minimum 15 metres.

Ms. K. Prentice commented that they believe that the variances requested are not minor. She noted that the overall lot reduction to 300 m<sup>2</sup> is a 30% reduction which could be considered a major variance.

Mr. T. Trollope of 39 Jackson Street questioned whether a variance can be requested later on to allow for a three storey building.

Planner S. Laughlin replied that Planning Services are requesting for condition to allow only 1.5 to 2 stories and this condition will be included in an agreement which will be registered on title.



August 13, 2013 C of A Minutes

She explained that if the application is appealed to the Ontario Municipal Board, this condition could be brought up.

Chair D. Kelly explained the appeal process to the public in the audience.

Ms. A. Kennedy, a resident of Parkholm Avenue, noted that the procedure must be followed and the public notice did not have a time on it. She noted that a revised notice did not follow in the mail indicating what time the application is being heard.

Chair D. Kelly questioned staff of the requirements of a proper public notice.

Planner M. Witmer replied that the time was not indicated on the public notice which is one form of mandatory notice.

Ms. K. Prentice commented that they would prefer if they could have this resolved today.

Mr. R. McInnis stated that several people are currently away on vacation and have not had a chance to respond.

Mr. D. Syms of 31 Parkholm Avenue stated that if the time has to be on the notice, that rule cannot be overturned.

Planner S. Laughlin noted that she believes the time has to be indicated on the notice.

A brief discussion took place regarding deferring the application.

Moved by J. Hillen and seconded by L. McNair,

“THAT Applications B-46/13, A-97/13 and A-98/13 for Estate of Margaret Emslie at 28 Jackson Street, be deferred until the September 10, 2013 Committee of Adjustment regular meeting, to allow for a notice to be mailed out with date and time as required by the Planning Act.”

Carried

#### Consideration of Deferral Fee for Applications B-46/13, A-97/13 and A-98/13

Moved by B. Birdsell and seconded by L. McNair,

“THAT the applicant not be responsible for payment of the deferral fees for Applications B-46/13, A-97/13 and A-98/13 at 28 Jackson Street.”

August 13, 2013 C of A Minutes

The meeting adjourned at 5:20 p.m.

D. Kelly  
Chair

Minna Bunnett, ACST(A)  
Assistant Secretary-Treasurer

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday September 10, 2013 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

D. Kelly, Chair  
R. Funnell, Vice-Chair  
C. Downer  
L. McNair

Regrets: B. Birdsell  
A. Diamond  
J. Hillen

Staff Present: M. Witmer, Planner  
M. Bunnett, Acting Secretary-Treasurer

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Meeting Minutes

Moved by L. McNair and seconded by R. Funnell,

“THAT the Minutes from the August 13, 2013 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

#### Appointment of Acting Secretary-Treasurer

Moved by C. Downer and seconded by L. McNair,

“THAT Assistant Secretary-Treasurer, Minna Bunnett, be hereby appointed as Acting Secretary-Treasurer pursuant to ss.44(8) of the Planning Act, (R.S.O) 1990, c. P-13; AND that any such previous appointments are revoked.”

Carried

The Acting Secretary-Treasurer advised that a decision was received from the Ontario Municipal Board for Application A-46/13 at 310 Cole Road. She noted the Board allowed the appeal and the minor variance for off-street parking was approved.

**Application:** A-52/13

**Owner:** Armel Corporation Inc.

**Agent:** B.A.R.A. Consulting, Brian Atkins

**Location:** 612 Speedvale Avenue West

**In Attendance:** Rob McTaggart  
Brian Atkins

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. B. Atkins replied the sign was posted and the staff comments were received. He explained that they are asking for a deferral due to fact that engineering wants to sort out what is going on to the properties to the east of the subject property. He further explained that the owner has agreements with the City of Guelph regarding services which have not yet been completed. He noted that a meeting has been scheduled for this Friday to finalize the items outstanding.

Chair D. Kelly questioned the requirement of the length of time needed for the deferral.

Mr. B. Atkins replied that two months should be enough of time.

Committee member L. McNair commented that he proposes to defer the application sine die to ensure the applicant has enough time.

Moved by L. McNair and seconded by R. Funnell,

“THAT Application A-52/13 for Armel Corporation at 612 Speedvale Avenue West, be deferred sinedie, to provide the applicant an opportunity to finalize deficiencies with the existing site plan and in accordance with the Committee’s policy on applications deferred sinedie, that the applications 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.”

Carried

**Application:** B-50/13

**Owner:** Jessica Holt-Schaffer

**Agent:** Shane and Bonnie Swantek

**Location:** 189 Dufferin Street

**In Attendance:** Shane Swantek  
Bonnie Swantek

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. S. Swantek replied that the sign was posted and the staff comments were received. He was available for any questions.

There were no questions from the members of the Committee.

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 R. Funnell and seconded by C. Downer,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 36, Registered Plan 215, municipally known as 189 Dufferin Street, an irregular parcel with a width of 39.9 metres, a depth of 36.0 metres and an area of 1,339 square metres, as a lot addition to the rear of 195 Dufferin Street, be approved,

subject to the following conditions:

1. That the proposed severed parcel of land be conveyed to the abutting owner as a lot addition only (Form 3 Certificate).
2. That the following covenant is incorporated in the deed:-

"The conveyance of (Severed Lands - legal description - Lot and Plan), City of Guelph, County of Wellington, designated as (Part and 61R-Plan Number) as a lot addition only to (Legal Description of Lands to be joined with - Lot and Plan), and shall not be conveyed as a separate parcel from (Legal Description of Lands to be joined with - Lot and Plan)."

3. That the owner shall remove the existing sheds from the proposed severed lands, prior to endorsement of the deeds.
4. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to September 13, 2014.
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 endorsement of the deed.
6. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
7. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

**Application:**            **A-102/13**

**Owner:**                **Herbertco Projects Ltd.**

**Agent:**                **Dan Williams**

**Location:**            **688 Woolwich Street**

**In Attendance:**      **Dan Williams**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. D. Williams replied the sign was posted and the staff comments were received. He briefly described his application and the necessity of relocating the garbage containers.

There were no questions from the members of the Committee.

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 C. Downer and seconded by L. McNair,

“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 4.13.4.2 of Zoning By-law (1995)-14864, as amended, for 688 Woolwich Street, for relocation of a garbage container to the rear yard, to permit a total of 17 off-street parking spaces when the By-law requires 1 parking space for every 14 square metres of gross floor area (total of 19 spaces required), be approved,

subject to the following condition:

1. An enclosure be constructed that is generally in keeping with the garbage enclosure approved through application SP09C018 in October 2009 to visually screen the garbage bins in the proposed location.”

Carried

**Application:** B-30/12  
**Owner:** Nosam Properties Ltd.  
**Agent:** Van Harten Surveying Inc.; Jeff Buisman  
**Location:** 24, 26/28 Douglas Street  
**In Attendance:** Paul Magahay

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. P. Magahay replied the sign was posted and the staff comments were received. He explained that they are asking for a deferral of the complicated application. He further explained that they received new staff comments that they have to address relating to the party wall situation. He requested the Committee to defer the application sine die.

There were no questions from the members of the Committee.

Moved by L. McNair and seconded by C. Downer,

“THAT Application B-30/12 for Nosam Properties Ltd. at 24, 26/28 Douglas Street, be deferred sinedie, to provide the applicant additional time to finalize items of concern and in accordance with the Committee’s policy on applications deferred sinedie, that the applications 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.”

Carried

**Application: A-103/13**  
**Owner: Gemini Homebuilders**  
**Agent: Van Harten Surveying Inc., Paul Magahay**  
**Location: 446 Starwood Drive**  
**In Attendance: Paul Magahay**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. P. Magahay replied the sign was posted and the staff comments were received. He explained that in any new development, City staff has previously allowed to establish model homes. He noted that they have no problems with the conditions proposed.

Committee member L. McNair questioned how many living units will be built in the subdivision.

Mr. P. Magahay replied that he does not have the files with him and cannot confirm the number.

Committee member L. McNair commented that 5 years seems a long time.

Mr. P. Magahay replied that historically 3 years has been enough of time to display a model home. He commented that the sales office will be removed as soon as the builder wishes to sell the unit.



Committee member L. McNair commented that he has a concern with the model home staying in the subdivision after all the dwellings have been sold and the model home being used to sell dwellings in other subdivisions.

Planner M. Witmer replied that the standard policy for model homes is to limit the length of time to 5 years. He agreed with the concern that model homes are sometimes used for selling units in different subdivisions. He continued by stating that staff has no problem with 5 years.

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 R. Funnell and seconded by C. Downer,

“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 5.2.1 of Zoning By-law (1995)-14864, as amended, for 446 Starwood Drive, to permit a model home/sales office on the property with the sales office occupying the required off-street parking spaces for both units when the By-law permits residential units only on the property and the By-law requires the off-street parking spaces to be located a minimum of 6 metres from the street property line and to the rear of the main front wall of the building, be approved,

subject to the following conditions:

1. That the subject minor variance shall only be valid for a maximum of 5 years from the date the decision is final or until such time as there is a transfer of lease/title to any subsequent owner(s) for either unit of the semi-detached dwelling, whichever occurs first,
2. That prior to the issuance of a residential occupancy permit for either unit in the semi-detached dwelling, the temporary sales office be restored to two separate garages, each with a legal parking space, and
3. That the sales office within the garage be removed and the garage restored to accommodate a 3 metre by 6 metre parking space from the date the decision is final or until such time as there is a transfer of lease/title to any subsequent owner(s) for either unit of the semi-detached dwelling; or within 5 years of the issuance of the building permit or prior to the issuance of a residential occupancy permit for either unit in the semi-detached dwelling, whichever occurs first.”

Carried

**Application:** A-18/13  
**Owner:** Nathan and Alisha Brousse  
**Agent:** n/a  
**Location:** 75 Creighton Avenue  
**In Attendance:** Nathan Brousse

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. N. Brousse replied the sign was posted and the staff comments were received. He explained that engineering had a concern with the drainage and they fixed that by removing part of the deck.

Planner M. Witmer advised the committee that Planning Services is recommending deleting their condition and keeping the Zoning and Permit Administrators condition. He explained that the condition reflect the necessity to have an 8'2" high fence in the rear yard for privacy. He also explained that there is no concern with privacy to the rear of the property but on the side yard where there is a neighbour.

Mr. N. Brousse commented that the neighbour has indicated they have no problem with the privacy.

Chair D. Kelly explained the condition details to the applicant.

Committee member L. McNair commented that a 0.025 metre distance from the property line would be better than 0 metres in case things settle.

Mr. N. Brousse explained that he did not wish to have a gap in between the fence and deck to avoid accidents, specifically a child falling in between.

Planner M. Witmer commented that Engineering Services has confirmed that the section cut back is adequate for drainage. He explained that the rest of the deck is at 0 metre setback.

Chair D. Kelly commented that the other compromise is to move the deck.

Committee member L. McNair proposed to add a condition for the deck to be located 0.025 metres off the side yard lot line if it is re-built. He continued by questioning if there is a fence currently in the side yard.

Mr. N. Brousse replied that he shares a fence with his neighbour.

Chair D. Kelly commented that to avoid ownership issues, most people move the fence a few inches inside their property.

Committee member C. Downer commented that if the fence did not exist, she could consider adding a condition for the 0.025 metre separation but does not feel comfortable when the fence is there.

Committee member L. McNair proposed to add a condition to state: when the deck or fence is re-built in the future, they must conform to the current Zoning By-law regulations.

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. McNair and seconded by R. Funnell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7 Row 1 of Zoning By-law (1995)-14864, as amended, for 75 Creighton Avenue,

- a) to permit an uncovered porch to be located 0 metres from the rear lot line and right side lot line in the rear yard when the By-law requires a minimum setback of 0.6 metres from any lot lines, and
- b) to permit a section of the uncovered porch with a depth of 5.6 metres, closest to the dwelling, to be located 0.45 metres from the right side lot line when the By-law requires a minimum setback of 0.6 metres from any lot lines,

be approved,

subject to the following conditions:

1. That the property owner ensures a fence is constructed to the maximum height permitted in the Zoning By-law along both side lot lines in the rear yard.
2. When the deck or fence is re-built in the future, they must conform to the current Zoning By-law regulations.”

Carried

**Application:** A-104/13  
**Owner:** 2227969 Ontario Ltd.  
**Agent:** McFadden Contracting, Phill McFadden  
**Location:** 44 Hillcrest Drive  
**In Attendance:** Phill McFadden  
Bob Speers

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. P. McFadden replied the sign was posted and the staff comments were received. He explained that they are looking for a variance for the projection of one legal off-street parking space. He further explained that the existing garage is small compared to the dimensions now required in the Zoning By-law and has not been used as a garage for storing a vehicle.

Planner M. Witmer clarified the dimension given in the Zoning By-law. He explained that the interior parking space must be minimum 3 metres wide by 6 metres deep and an exterior parking space must be minimum 2.5 metres wide by 5.5 metres deep.

Committee member C. Downer pointed out that the drawing indicates the garage being 9'10".

Mr. P. McFadden confirmed that the garage is not that wide but 8'10".

Committee member L. McNair commented that he feels uncomfortable with having a garage space being removed entirely as a parking space on any property and having the legal off-street parking space projecting in front of the building wall.

Committee member R. Funnell questioned whether the garage is unusable or if the applicant requires more space.

Mr. P. McFadden replied that the space would be used for storage and would not be used for parking a vehicle.

Chair D. Kelly questioned staff of the intent of the Zoning By-law.

Planner M. Witmer replied that the garage acts as a legal off-street parking space located behind the front wall of the dwelling. He explained that converting the garage to living space does not meet the intent of the Zoning By-law.

Chair D. Kelly commented that several houses on the street have similar size garages and they have not turned the garages into living space.

Mr. P. McFadden commented that the majority of the houses do not use their garages for parking of a vehicle. He questioned if it makes a difference that the garage does not meet the current minimum dimensions as set in the Zoning By-law.

Planner M. Witmer replied that the intent is to provide for the parking regardless of the dimensions. He explained that the dwelling was built before the current dimensions came into effect and the garage used to accommodate vehicles at that time. He commented that it is the owner's decision how the garage is utilized but this is the primary parking space for the dwelling, the driveway parking is a surplus.

Committee member L. McNair question how far back on the wall is the door leading to the interior from the garage.

Mr. P. McFadden replied the door is located about mid-span of the wall. He commented that he is not sure if the garage was built with the house. He explained that they are proposing to have a second storey on top of the first storey of the dwelling and keep the streetscape unchanged. He continued by explaining that the Official Plan recommends rehabilitating older buildings and to ensure compatibility. He also explained that they are trying to provide more space for a larger family and do not have any other option to extend the square footage.

Planner M. Witmer commented that the Official Plan has a policy that defers all parking regulations to the Zoning By-law.

Committee member L. McNair questioned if the applicant would be able to push back the garage to provide for the parking space outside.

Chair D. Kelly reminded the Committee members that they should address the application as it is.

Committee member C. Downer questioned if it would be possible for the applicant to demolish the garage and build it towards the back.

Planner M. Witmer commented that staff would be willing to consider this option.

Mr. P. McFadden replied that this would not follow the footprint and would not work. He stated that they are trying to keep the interior heritage value of the home and this would necessitate changing the layout and removing an existing fireplace.

Planner M. Witmer commented that it was not indicated by City's Senior Heritage Planner that the dwelling is on the heritage list.

Committee member L. McNair commented that rather than refuse the application, he would like to defer the application to give the applicant a chance to discuss options with staff.

Committee member C. Downer commented she would prefer to refuse the application and have the applicant come back with a revised application.

Committee member L. McNair noted that a new application is more expensive than a deferral.

Mr. P. McFadden commented that they are trying to work with the regulations and would prefer a deferral.

Planner M. Witmer commented that staff can meet with the applicant and look at options.

Moved by L. McNair and seconded by C. Downer,

"THAT Application A-104/13 for 2227969 Ontario Ltd. at 44 Hillcrest Drive, be deferred sinedie, to provide the applicant an opportunity to discuss options with staff and in accordance with the Committee's policy on applications deferred sinedie, that the applications 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."

Carried

**Application:** A-101/13  
**Owner:** Isaac Scott and Stacey Smith  
**Agent:** n/a  
**Location:** 107 Palmer Street  
**In Attendance:** Isaac Scott  
Stacey Smith  
Owen Scott

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. I. Scott replied the signs were posted and the staff comments were received. He explained that staff comments summarize the application details and the issue is the required average setback of the block face. He further explained that being on Stuart Street, the average setback required is rather large.

Chair D. Kelly commented that the garage proposed is large. She questioned if staff feels the garage is subordinate to the main structure and if it is in keeping with the neighbourhood.

Planner M. Witmer replied that staff feels the garage is subordinate to the main dwelling, provided the conditions are incorporated. He noted that due to the large lot sizes, there are differences in the neighbourhood and therefore feel it is in keeping with the neighbourhood.

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 C. Downer and seconded by L. McNair,

“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 5.1.2.7 of Zoning By-law (1995)-14864, as amended, for 107 Palmer Street,

- a) to permit a one storey addition to the rear of the existing dwelling to be located 9.8 metres from the exterior side yard property line when the By-law requires that any additions have an exterior side yard setback equal to the existing setbacks within the existing block face, being 14.28 metres, and
- b) to permit a detached garage to be located 6 metres from the exterior side yard property line when the By-law requires that any garages have an exterior side yard setback equal to the existing setbacks within the existing block face, being 14.28 metres,

be approved,

subject to the following conditions:

1. That the owner pays the actual cost of the construction of the new driveway entrance and the required curb cuts and curb fills including the reconstruction of the pedestrian sidewalk across the new driveway entrance if required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.

2. That the owner pays the actual cost associated with the removal of the existing brick pavers within the road allowance from the area of the existing driveway entrance, the restoration of the boulevard with topsoil and sod including any required curb fill, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of a building permit.”

Carried

**Application:** A-106/13

**Owner:** Miranda Holmes and Jeremy Nicholls

**Agent:** n/a

**Location:** 162 Silurian Drive

**In Attendance:** Jeremy Nicholls  
Miranda Holmes

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. J. Nicholls replied the signs were posted and the staff comments were received. He explained the variance is to allow a driveway width of 4.7 metres. He commented that the by-law is in place to protect green space and to limit the use of residents parking on the area. He noted that modifications to the driveway were done prior to them purchasing the house in 2007. He commented that Planning staff did not see a need to widen then driveway to accommodate the parking and another concern was the sightline triangle. He explained that they need the extra parking space for a 15 year old son who will soon have his own vehicle and to provide for parking during the winter when parking on the City street is not permitted.

Mr. J. Nicholls continued by stating that where their vehicle is parked does not have an impact on the sight line triangle. He emphasized that the traffic on the corner is located further away from the sight line triangle and is not a public safety issue. He noted that the frontage of their property is 13 metres and the distance to the edge of the road is 17.8 metres. He explained that they have 64% of green space when the driveway takes up 36% of the front yard. He compared the regulations to a R.1C zone which has a minimum frontage requirement of 12 metres and the permitted driveway width is 56% of the front yard. He explained that the streetscape is not dominated by vehicles and they have lots of room for green space.

Planner M. Witmer commented that the driveway regulation in this zone does not permit the driveway to be wider than the garage.



Committee member L. McNair commented that the property complies with R.1B zone regulations. He noted that the parked vehicle will not obstruct the sight line and the lot width justifies the approval of this variance.

Committee member R. Funnell stated that he does not believe the request meets the intent of the Zoning By-law.

Planner M. Witmer advised the Committee members that when determining the need for the extra parking space, other accessory uses in this zone would necessitate the need. He continued by explaining that, for example, a home occupation would trigger the need for an extra space. He commented that in this case he does not see the need for an extra parking space.

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. McNair,

“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 5.3.2.8 of Zoning By-law (1995)-14864, as amended, for 162 Silurian Drive, to permit a driveway width of 4.7 metres when the By-law requires that the driveway width shall not exceed the garage width of the unit, as measured from the outside walls of the garage (3.6 metres), be approved.”

Motion did not carry.

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 R. Funnell and seconded by C. Downer,

“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 5.3.2.8 of Zoning By-law (1995)-14864, as amended, for 162 Silurian Drive, to permit a driveway width of 4.7 metres when the By-law requires that the driveway width shall not exceed the

garage width of the unit, as measured from the outside walls of the garage (3.6 metres), be refused.

Reason for refusal being:

1. The request does not meet the intent of the Zoning By-law.”

Carried

**Application:** A-105/13  
**Owner:** Nunziato and Lucy Pace  
**Agent:** n/a  
**Location:** 42 Lowes Road  
**In Attendance:** Chris Pace

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. C. Pace replied the sign was posted and the staff comments were received. He was available for any questions.

There were no questions from the members of the Committee.

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 R. Funnell and seconded by C. Downer,

“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 4.5.1.4 of Zoning By-law (1995)-14864, as amended, for 42 Lowes Road, to permit a detached garage in the rear yard to have a total area of 162 square metres when the By-law permits a total area of 70 square metres for all accessory structures or buildings combined, be approved,

subject to the following condition:

1. That all or any portion of the detached garage not be used for human habitation or for a home occupation.”

Carried

**Application:** A-97/13 and A-98/13

**Owner:** Estate of Margaret Emslie

**Agent:** JL Cox Planning Consultants Inc., John Cox

**Location:** 28 Jackson Street

**In Attendance:** John Cox  
Howard Kennedy  
Dwight Syms  
Nancy McKenna  
Joe McKenna  
Debbie Newcombe  
Nancy McLarty  
Gordon McLarty  
Roger McInnis  
Erin Wagar  
Barb Howes  
John Emslie  
Bill Woodward  
Kathy Bolton  
Danny Bolton

The Acting Secretary-Treasurer advised that two emails were received after the comment deadline. She advised that the comments were opposing the applications and were from the owners of 23 Jackson Street and 37 Metcalfe Street.

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. J. Cox replied the sign was posted and the staff comments were received. He explained that he revised his previous application and is now proposing to construct a dwelling on Lot 42. He further explained that the existing dwelling at 28 Jackson Street has a deck which will be removed and replaced with a landing and stairs leading to the rear yard. He noted that the landing is a requirement under the Ontario Building Code. He also noted that the impact of the variance for the landing is on him since he owns the lot next to it. He explained that he is requesting side yard variances of 1.2 metres which represents a requirement for a typical 12

metre wide lot. He commented that a rear yard of 40 feet would only leave enough room to build an extremely small 850 square foot house. He noted that he is not requesting a variance from the rear yard requirement. He commented that he has no concern with building a privacy fence as per comments received from neighbours.

Chair D. Kelly required clarification of where the proposed fence would be located.

Mr. J. Cox replied that the fence would be located on the side and rear lot lines of the property if so desired. He continued by explaining that the front yard setback will be complied with; the required setback is 5.4 metres and the garage will be setback a minimum of 6 metres and will be located to the rear of the front wall of the house. He noted that he agrees with the conditions recommended by staff.

Chair D. Kelly informed the public in the audience of the purpose of the application which is for the side yard setbacks. She explained that the Committee cannot decide on the look of the home which will be addressed at the site plan stage. She also explained that the Committee reviews conditions stipulated by City staff. She continued by reading out loud Planning conditions number three and four to assist the members of the public.

Ms. N. McLarty, owner of 11 Jackson Street, quoted the four tests in the Planning Act. She explained that while some of the existing dwellings might have similar setbacks, there is a driveway or a green space between the homes. She commented that the variances requested are out of character in the neighbourhood. She noted that the properties are zoned R.1B and not R.1C which has a requirement for a smaller lot. She questioned when the neighbours would have an opportunity to comment and be involved with the design of the dwelling if the variances are approved.

Planner M. Witmer replied that the condition imposed regarding the design of the dwelling is not part of a formal site plan approval process and single dwellings are not included in the Site Plan By-law. He explained that the General Manager of Planning Services will review the submitted site plan. He further explained that there is no a public process incorporated into this. He noted that he would be in favour of incorporating this process with this application once staff has reviewed the site plan prior to approving the building permit.

Chair D. Kelly questioned whether staff is suggesting this to be a condition on the approval of the applications.

Planner M. Witmer replied that once staff and the applicant have had a chance to review the site plan, they would be willing to incorporate the public process with a brief meeting for comments and feedback.

Ms. N. McLarty commented that it was very positive to hear this. She continued by comparing a few buildings on different infill lots which did not go according to initial plans.

Planner M. Witmer commented that staff is limited to what the zoning stipulates in the design of the dwelling. He explained that for example, maximum three story dwellings are permitted in this zone and they cannot limit the applicant to something that is permitted in the by-law. He also explained that staff is also following the guidelines in the Official Plan.

Committee member R. Funnell commented that they can apply for building permits as long as they meet the zoning by-law regulations.

Ms. N. McLarty questioned whether staff can take the neighbours comments as feedback.

Planner M. Witmer replied that, within reason, staff would be willing to consider the comments. He reiterated that staff is limited to what they can incorporate in terms of design, roof pitch and so on.

Committee member D. Kelly questioned the applicant's thoughts on the proposal.

Mr. J. Cox commented that he is willing to show the site plan to the neighbourhood but cannot continue with the project if something blocks it from going forward. He stated that he feels comfortable that the building will be in keeping with the neighbourhood. He commented that this public process might tie his hands.

Committee member L. McNair questioned if the applicant would be willing to state that the building height will remain 1.5 storeys only.

Mr. J. Cox has no concern with the height but also does not currently know what the bungalow design will end up being.

Chair D. Kelly questioned if he would be willing to delete the word "approximately" in Planning Services condition number four which pertains to the maximum height of the building.

Mr. J. Cox replied that he would agree to remove the word approximately.

Planner M. Witmer reiterated that staff is limited to what they can limit if it complies with the by-law regulations.

Committee member L. McNair noted that the Committee can add a condition to limit the height to 2 storeys.

Planner M. Witmer commented that staff would have a concern with limiting the height since they are permitted to build 3 storeys in the Zoning by-law.

Ms. N. McLarty commented that the height regulation is important and she has a concern with it being two storeys. She mentioned current problems with the drainage and sewer system on

the street due to the slope of the land. She emphasized that she strongly opposes the variances without seeing the site plan or the design of the dwelling.

Mr. H. Kennedy, owner of 11 Parkholm Avenue, explained that the problem is with building a big house on a small lot. He noted that there are several smaller houses in little lots in the neighbourhood.

Ms. E. Wager of 10 Hepburn Avenue expressed a concern with the height of the building and requested clarification.

Chair D. Kelly referred to Planning Services condition number four where it states "approximately 1.5 to 2 storeys maximum" in height. She explained that the applicant has previously stated that he is willing to remove the word "approximately" and the Committee members can revise that condition.

Ms. N. McKenna of 23 Jackson Street expressed concern with the proposed landing at 28 Jackson Street to be 3 inches from the property line. She noted that this is not minor.

Mr. B. Woodward of 8 Hepburn Avenue commented that he is not clear on what the Committee can and cannot do. He questioned whether the Committee can limit the extent to which the new dwelling can project back into the lot. He explained that the farther the house extends towards the back, the more it encroaches in to 37 Parkholm Avenue and 10 Hepburn Avenue. He referred to the quality of the life of the neighbours being affected and that there will be an impact on the green space.

Chair D. Kelly asked the Planner to clarify the by-law regulations for a rear yard.

Planner M. Witmer replied that the minimum rear yard requirement is 7.5 metres or 20 % of the lot depth, whichever is less.

Mr. J. Cox commented that he is not requesting for a variance for the rear yard but clarified that the minimum rear yard requirement for this lot is 5.73 metres.

Mr. G. McLarty of 11 Jackson Street commented that the request is not minor. He expressed concern that the dwelling being built will be completely out of character if the variances are approved.

Committee member C. Downer commented that the Committee can amend Planning Services condition by limiting the number of stories to maximum two. She explained that if no variances were required, a house out of character could be built on the lot with regular building permits, including a three storey house. She commented that it is generous for the staff and the applicant to welcome comments from the public.

Committee member L. McNair commented that the minimum rear yard setback of 5.73 metres will have an impact for the rear yard neighbours. He also commented that houses in the neighbourhood are smaller.

Chair D. Kelly advised that the Committee members have to make a judgment call on what the impact is on the neighbourhood. She commented that by having a 5.73 metre rear yard could have a negative impact on the neighbourhood which would not meet one of the tests in the Planning Act.

Committee member L. McNair questioned if the existing tree in the rear yard will be removed.

Mr. J. Cox replied that an arborist has stated the tree is in bad shape but he has the intent to replace it with others.

Committee member R. Funnell proposed to impose conditions to limit the minimum rear yard to 6.5 metres, to allow for public input and to limit the height to maximum two stories.

Application A-97/13

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 R. Funnell and seconded by L. McNair,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7 Row 1 and Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 28 Jackson Street,

- a) to permit a uncovered porch (landing and stairs) to be situated 0.07 metres from the left side lot line when the By-law requires a minimum setback of 0.6 metres, and
- b) to permit a left side yard of 0.99 metres for the existing dwelling when the By-law requires a minimum setback of 1.5 metres,

be approved.”

Carried

Application A-98/13

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 R. Funnell and seconded by L. McNair,

“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 Lot 42, Registered Plan 357, Hepburn Avenue, to permit right and left side yards of 1.2 metres when the By-law requires minimum side yards of 1.5 metres,

be approved,

subject to the following conditions:

1. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage for 37.99-feet (11.58-metres), prior to the issuance of a building permit.
2. That the owner pays the actual cost of constructing new sanitary and water service laterals to the said lands (Lot 42, Registered Plan 357), including the cost of any curb cuts and/or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
3. That the owner pays the actual cost of the construction of the new driveway entrance for the said lands (Lot 42, Registered Plan 357), including the required curb cuts and/or curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
4. That prior to the issuance of any building permits, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands (Lot 42, Registered Plan 357).
5. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to the issuance of any building permits.



6. That the owner constructs the new dwelling at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
7. That the owner grades, develops and maintains the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.
8. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
9. Prior to the issuance of a building permit, the owner agrees to install a sump pump unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
10. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed new dwelling on the said lands, prior to the issuance of a building permit.
11. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
12. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
13. That prior to the transfer of the said lands or within ninety (90) days of the final decision, whichever occurs first, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
14. Prior to the issuance of any building permit for Lot 42, the owner shall pay to the City, the City's total cost of reproduction and distribution of the **Guelph Residents' Environmental Handbook**, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
15. Prior to the issuance of any building permit for the lands, the owner shall pay to the City **cash-in-lieu of park land dedication** in accordance with By-law (1989)-13410,

By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.

16. That a **site** plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwelling on Lot 42 indicating:
  - a. The location and design of the new dwelling;
  - b. The location of the new dwelling with a setback that is in character with the surrounding area (similar to existing setbacks to the street on this block of Hepburn Avenue) and a rear yard setback of not less than 6.5 metres. The legal off-street parking space shall be setback in accordance with the requirements of the Zoning By-law;
  - c. Grading, drainage and servicing information;
17. That Planning Services staff facilitates a brief meeting, preferably arranged through a delegated neighbourhood spokesperson, to provide an opportunity for staff to review and consider public feedback from the immediate neighbours, prior to the General Manager of Planning Services approving the site plan and elevations.
18. That the elevation **and design drawings** for the new dwelling on Lot 42 be submitted to, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building height (2 storeys maximum), building setbacks and the size and location of any proposed garage (single car garage located behind the front wall of the dwelling).
19. That prior to the issuance of a building permit, the Developer complete a **Tree Inventory & Protection Plan** illustrating all existing trees on Lot 42 and adjacent properties that may be impacted by the development (species, size, dbh, and condition) as well as protection during construction for trees that will remain, to the satisfaction of the General Manager of Planning Services.
20. That prior to the issuance of a building permit for Lot 42, the Developer complete a **Landscaping, Replanting and Replacement Plan** illustrating compensation trees, to the satisfaction of the General Manager of Planning Services.
21. That prior to the issuance of a building permit for Lot 42, any required **tree protection fencing be erected** on-site and inspected by staff to the satisfaction of the General Manager of Planning Services;
22. That the applicant pay to the City, as determined applicable by the City's Director of Finance, **development charges and education development charges**, in accordance

with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit;

23. That prior to the transfer of the lands or within 90 days of the final decision for this application, whichever occurs first, the owner shall enter into an **agreement** with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.”

Carried

**Application:** B-48/13 and B-49/13

**Owner:** B-48/13: Wesley and Joan Henry Timothy  
B-49/13: Yvonne and Diane Gaw

**Agent:** Aquicorp Inc., Shawn Keeper  
Astrid J. Clos Planning Consultants; Astrid Clos

**Location:** 24 and 26 Landsdown Drive

**In Attendance:** Astrid J. Clos  
Anne Harauz  
George Harauz  
Bruce Everitt  
Werner Pueschel  
Renita Pueschel  
Lora Gatto  
Diane Gaw  
Tim Gaw  
Wes Henry  
Brian Henry  
Shawn Keeper

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. A. Clos replied the sign was posted and the staff comments were received. She commented that the Committee members should have received amended Engineering Services conditions which they agree with. She explained that the application is for severing the back of two lots.

September 10, 2013 C of A Minutes

She also explained that there will be applications for zone change and vacant land condominium for single detached homes. She noted that this will be a public process where people will be circulated with more information.

Mr. G. Harauz of 30 Landsdown Drive commented that he would like more information of what is being proposed. He expressed a concern with a large condominium impacting them and they had no means of getting information from the plans submitted.

Planner M. Witmer commented that at the moment they are dealing with the severances only and it is premature to have detailed plans submitted.

Ms. A. Clos commented that they are merging the lots at the back of the existing homes. She explained that there will be further applications and the details will be shared with the neighbours when available.

Mr. G. Harauz questioned how the properties will be accessed.

Ms. A. Clos replied that other properties will be joined with this and there will be a private condominium road access.

Mr. B. Everitt of 8 Landsdown Drive commented that there was no sign posted at 28 Landsdown Drive.

Planner M. Witmer confirmed that a lot which a parcel is being added to does not need a sign posted.

Committee member L. McNair questioned if a re-zoning is required from the current R.1B zone.

Planner M. Witmer replied that a zone change is not required.

Ms. A. Clos commented that because the lots located in the R.1B zone will have a frontage on a public street and the condominium will have frontage on public lane, there are items that need to be applied to in a re-zoning application.

#### Application B-48/13

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 C. Downer and seconded by L. McNair,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 9, Registered Plan 488, municipally known as 26 Landsdown Drive, a parcel with a width of 62.48 metres, a depth of 101.80 metres and an area of 6,361 square metres, as a lot addition to 28 Landsdown Drive, be approved,

subject to the following conditions:

1. That the proposed severed parcel of land be conveyed to the abutting owner as a lot addition only (Form 3 Certificate).

2. That the following covenant is incorporated in the deed:-

"The conveyance of **(Severed Lands - legal description - Lot and Plan)**, City of Guelph, County of Wellington, designated as **(Part and 61R-Plan Number)** as a lot addition only to **(Legal Description of Lands to be joined with - Lot and Plan)**, and shall not be conveyed as a separate parcel from **(Legal Description of Lands to be joined with - Lot and Plan)**."

3. That the owner of 26 Landsdown Drive shall pay their share of the frontage assessment costs for the existing sanitary sewer main and existing watermain and the actual costs associated with the installation of the sanitary sewer lateral and the water service lateral to the property line, prior to endorstation of the deeds.

4. That the owner of 26 Landsdown Drive shall connect the existing dwelling to the new sanitary sewer lateral and water service lateral to the satisfaction of the General Manager/City Engineer and the City's Plumbing/Sewage System Inspector, at the time that the adjacent Draft Plan of Vacant Land Condominium is being serviced.

5. That prior to the connection of the existing dwelling to the sanitary sewer lateral and water service lateral, the owner of 26 Landsdown Drive will be responsible to decommission the existing septic system and the existing well to the satisfaction of the City's Plumbing/Sewage System Inspector.

6. That prior to endorstation of the deeds, the owner of 26 Landsdown Drive shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions.

7. That the consents be finalized in conjunction with the Secretary-Treasurer of the Committee of Adjustment to ensure parcel consolidation of the two severed parcels with 28 Landsdown Drive.

8. That the documents in triplicate with original signatures to finalize and register the

transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to September 13, 2014.

9. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
10. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
11. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk.”

Carried

#### Application B-49/13

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 C. Downer and seconded by L. McNair,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 6, Registered Plan 488, a parcel with a width of 62.48 metres, a depth of 101.80 metres and an area of 6,361 square metres, as a lot addition to Part Lot 9, Registered Plan 488 (severed parcel of Application B-48/13 referred to as Severance 1 on sketch prepared by Van Harten Surveying Inc., dated July 31, 2013, reference number 13-30-500-01-A), be approved,

subject to the following conditions:

1. That the proposed severed parcel of land be conveyed to the abutting owner as a lot addition only (Form 3 Certificate).

2. That the following covenant is incorporated in the deed:-

"The conveyance of **(Severed Lands - legal description - Lot and Plan)**, City of Guelph, County of Wellington, designated as **(Part and 61R-Plan Number)** as a lot addition only to **(Legal Description of Lands to be joined with - Lot and Plan)**, and shall not be conveyed as a separate parcel from **(Legal Description of Lands to be joined with - Lot and Plan)**."

3. That the owner of 24 Landsdown Drive shall connect the existing dwelling to the new sanitary sewer lateral and water service lateral to the satisfaction of the General Manager/City Engineer and the City's Plumbing/Sewage System Inspector, at the time that the adjacent Draft Plan of Vacant Land Condominium is being serviced.
4. That prior to the connection of the existing dwelling to the sanitary sewer lateral and water service lateral, the owner of 24 Landsdown Drive will be responsible to decommission the existing septic system and the existing well to the satisfaction of the City's Plumbing/Sewage System Inspector.
5. That prior to endorsement of the deeds, the owner of 24 Landsdown Drive shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer agreeing to satisfy the above-noted conditions.
6. That the consents be finalized in conjunction with the Secretary-Treasurer of the Committee of Adjustment to ensure parcel consolidation of the two severed parcels with 28 Landsdown Drive.
7. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to September 13, 2014.
8. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
9. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
10. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-

way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk.”

Carried

The meeting adjourned at 8:00 p.m.

D. Kelly  
Chair

Minna Bunnett, ACST(A)  
Acting Secretary-Treasurer



## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday September 24, 2013 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell, Chair  
C. Downer  
A. Diamond  
L. McNair

Regrets: B. Birdsell  
D. Kelly  
J. Hillen

Staff Present: M. Witmer, Planner  
M. Bunnett, Acting Secretary-Treasurer

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Meeting Minutes

Moved by C. Downer and seconded by L. McNair,

“THAT the Minutes from the September 10, 2013 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

The Acting Secretary-Treasurer advised of an amending decision received from Ontario Municipal Board. The amending decision was regarding application A-46/13 for 310 Cole Road. The amendment pertained to paragraph 4 which was deleted in its entirety and replaced with detail on Michael Witmer giving evidence after being summoned by the applicants.

The Acting Secretary-Treasurer advised that the Ontario Municipal Board September 13, 2013 hearing for application A-4/12 at 553 Edinburgh Road South was adjourned.

The Acting Secretary-Treasurer advised of a request for a refund of deferral fees for application A-18/13 at 75 Creighton Avenue. She noted that the application was for a deck setback and was deferred so that the owner could discuss his options regarding drainage with Engineering Services. She advised that the deferral fee was for \$230.

The Committee discussed the original cause for the deferral which was for the applicant to explore their options for complying with the drainage issue. It was also discussed that the owner should have been aware of the subdivision agreement which is registered on title.

Consideration of Refund of the Deferral Fee for Application A-18/13

Moved by C. Downer and seconded A. Diamond,

“THAT no action to be taken in response to the refund request from the applicant for application A-18/13, being a deferred application for 75 Creighton Avenue”.

Carried

**Application:**            **A-110/13**  
**Owner:**                **Timothy Wohlgemut and Angela Player**  
**Agent:**                 **n/a**  
**Location:**            **21 Grange Street**  
**In Attendance:**       **Timothy Wohlgemut**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. T. Wohlgemut replied that the sign was posted and the staff comments were received. He explained that they are on the corner of Grange Street and a former Princess Street which is not considered a formal street. He also explained that three houses face and access from Princess Street. He noted that the back of his house is officially considered to be his frontage. He commented that he would like to keep his children safe with a higher fence and he would not feel comfortable with a 0.8 metre low fence. He also commented that the comments from staff were helpful and reasonable. He explained he intends to install a six foot fence to the mid point of the house and then bring the fence down to two feet seven inches. He felt that their privacy will be acceptable this way.

Committee member L. McNair requested confirmation that part of the fence on Grange Street side will be six feet, two inches high and the remaining part will be two feet, seven inches high.

Mr. T. Wohlgenut confirmed that this is correct and that he is following guidance received from staff.

Committee member L. McNair questioned if there is one or two driveways next to the property.

Planner M. Witmer replied that staff is referring to the driveway along the right-of-way.

Committee member L. McNair requested clarification regarding sightline triangle regulations.

Mr. T. Wohlgenut commented that he would prefer to bring the fence as close to the corner as possible.

The Acting Secretary-Treasurer advised that the fence can be two feet and seven inches high in a corner sightline triangle which the applicant is showing as complying with on the submitted sketch.

Committee member C. Downer recommended approval of the application and proposed to add a condition for the applicant to seek clarification regarding the fence regulations with City staff.

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 C. Downer and seconded by L. McNair,

“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 4.20.9 of Zoning By-law (1995)-14864, as amended, for 21 Grange Street, to permit a 1.9 metre (6.2 foot) high fence in the front yard from the midpoint of the main building to the easterly side property line when the By-law requires that a fence in a front yard have a maximum height of 0.8 metres (2.62 feet), be approved,

subject to the following conditions:

1. That the fence shall not exceed 0.8 metres in height from the midpoint of the main building to the easterly side property line;
2. That the fence shall not be located within the sightline triangle for either driveway that is adjacent to this property; and,

3. That the applicant meets with Planning Services staff to clarify regulations regarding the sightline triangle and the proposed conditions.”

Carried

**Application:**            **A-112/13**  
**Owner:**                **Eric and Denise Bitton**  
**Agent:**                 **n/a**  
**Location:**            **73 Bagot Street**  
**In Attendance:**       **Eric Bitton**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. E. Bitton replied that the sign was posted and the staff comments were received. He explained that he is applying to allow for the porch to be at 0 metre setback which will require an encroachment agreement for the stairs.

There were no questions from the members of the Committee.

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 A. Diamond and seconded by L. McNair,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7 Row 1 of Zoning By-law (1995)-14864, as amended, for 73 Bagot Street,

- a) to permit an uncovered porch to project 3.2 metres (10.49) into the required front yard [4.2 metres (13.77 feet)] when the By-law requires that an uncovered porch can project a maximum of 3 metres into the required yard, and
- b) to permit the uncovered porch and associated stairs to be located 0 metres from the front lot line at Bagot Street [the stairs will encroach 0.78 metres (2.56 feet)]

onto City road allowance] when the By-law requires that an uncovered porch shall have a minimum setback of 0.8 metres (2.62 feet) from the front lot line,

be approved,

subject to the following condition:

1. That prior to the issuance of a building permit, the owner applies to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of the existing wood stairs that encroach onto the Bagot Street road allowance. “

Carried

**Application:** A-109/13  
**Owner:** Steven Stemmler  
**Agent:** n/a  
**Location:** 77 Harris Street  
**In Attendance:** Steven Stemmler

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. S. Stemmler replied the sign was posted and the staff comments were received. He explained that he is proposing to build a second storey addition on the existing house. He commented that the request is minor in nature because he is not adding to the existing foot print of the dwelling but is going straight up. He noted that he does not have a side yard which is now required in the zoning by-law. He explained that staff has no concerns with the proposal and it is preferable to the neighbourhood in aesthetics and will add to their property values.

There were no questions from the members of the Committee.

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. McNair and seconded by A. Diamond,

“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 and Section 5.1.3.2.10.1.1 of Zoning By-law (1995)-14864, as amended, for 77 Harris Street, to permit a 47 square metre (508 square foot) second storey addition in line with the existing building walls:

- a) be located 0.76 metres (2.5 feet) from the right side lot line when the By-law requires a minimum side yard of 1.5 metres (4.92 feet), and
- b) be located 2.8 metres (9.20 feet) from the left exterior side yard lot line when the By-law requires a minimum exterior side yard to be the average of the adjacent properties or 6 metres (19.68 feet) where the average cannot be determined, in this case, the exterior side yard requirement being 6 metres (19.68 feet),

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 Guelph Hydro Electric Systems Inc. for the possible relocation of the existing overhead hydro service. This would be at the applicant’s expense.”

Carried

**Application:**            **A-108/13**  
**Owner:**                 **Brian and Beverley Wagner**  
**Agent:**                 **n/a**  
**Location:**             **51 Vancouver Drive**  
**In Attendance:**       **Brian Wagner**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. B. Wagner replied the sign was posted and the staff comments were received. He was available for questions.

Committee member L. McNair questioned whether the addition will be built straight in line with the existing house.

Planner M. Witmer confirmed that the proposed addition is in line with the existing dwelling.

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 C. Downer and seconded by A. Diamond,

“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 5.1.2.7 i) of Zoning By-law (1995)-14864, as amended, for 51 Vancouver Drive, to permit a 23.4 square metre (252 square foot) one storey addition to the rear of the existing dwelling to be located 5.3 metres (17.50 feet) from the exterior side yard lot line when the By-law requires that the minimum exterior side yard be the average of the setbacks of the properties having lot frontage within the same City Block Face [5.5 metres (18.04 feet)], be approved.”

Carried

**Application:** A-113/13  
**Owner:** Mirek Sharp  
**Agent:** Adapt-Able Design Group, Carlos Salazar  
**Location:** 127 Mary Street  
**In Attendance:** Mirek Sharp  
Carlos Salazar

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. C. Salazar replied the sign was posted and the staff comments were received. He noted that they are proposing to build an extension to an existing garage. He explained that they are requesting a 0.9 metre setback variance to accommodate access for his client.

Committee member L. McNair questioned whether a roof will be built for both the addition proposed on the corner of the garage and the other addition behind the garage.

Mr. C. Salazar replied that is correct. He explained that the addition at the front corner of the garage forms part of the variance.

There were no further questions from the members of the Committee.

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. McNair and seconded by C. Downer,

“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 127 Mary Street, to permit a 297.9 square metre one storey addition to be located 0.9 metres (3 feet) from the left side lot line when the By-law requires a minimum side yard setback of 1.5 metres (4.92 feet), be approved.”

Carried

**Application:** A-107/13  
**Owner:** Carolyn Ellerton  
**Agent:** n/a  
**Location:** 262 Farley Drive  
**In Attendance:** Carolyn Ellerton

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. C. Ellerton replied the sign was posted and the staff comments were received. She explained that she purchased the house thinking that the existing apartment complies with regulations. She further explained that two City inspectors have visited the apartment and she realized there is no way to minimize the floor area.



There were no questions from the members of the Committee.

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 C. Downer and seconded by L. McNair,

“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 262 Farley Drive, to permit a two bedroom accessory apartment in the basement of the residential dwelling to have an area of 98.4 square metres (1059.1 square feet) when the By-law requires that an accessory apartment shall not exceed a maximum of 80 square metres (861.1 square feet) in floor area, be approved.”

Carried

**Application:** A-111/13  
**Owner:** Michael and Laura Vanderveldt  
**Agent:** n/a  
**Location:** 17 Mercer Street  
**In Attendance:** Laura Vanderveldt

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. L. Vanderveldt replied the sign was posted and the staff comments were received. She explained that it was not their intention to use the detached garage for a home occupation or human habitation.

Committee member A. Diamond questioned why the extra height is required.

Ms. L. Vanderveldt replied that they require storage space above the garage and need the height for that.

There were no further questions from the members of the Committee.

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. McNair and seconded by A. Diamond,

“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 4.5.1.4 and 4.5.2.1 of Zoning By-law (1995)-14864, as amended, for 17 Mercer Street, to permit a 1 ½ storey detached garage in the rear yard:

- a) To have a total area of 101.64 square metres (1094.04 square feet) when the By-law requires that the total area of all accessory buildings or structures not exceed 70 square metres (753.47 square feet), and
- b) To have a height of 4.73 metres (15.51 feet) when the By-law requires that the height of an accessory structure shall not exceed 3.6 metres (11.81 feet),

be approved,

subject to the following condition:

- 1. That the accessory building not be used for human habitation or a home occupation.”

Carried

**Application:** B-51/13  
**Owner:** Fabbian Homes  
**Agent:** Acorn Development, Pete Graham  
**Location:** 12 Summerfield Drive  
**In Attendance:** Pete Graham

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. P. Graham replied that the sign was posted and the staff comments were received. He explained that he did not have any other comments to add and was available for questions.

Committee member L. McNair questioned what the details were regarding a zoning by-law amendment which has been applied for.

Mr. P. Graham replied that the property is currently zoned R.1B and will be zoned R.1D.

Committee member L. McNair questioned whether the Committee is premature with considering the application.

Chair R. Funnell commented that a condition is being recommended to have the zoning in place first.

Planner M. Witmer noted that the zone amendment application is going to a November 4, 2013 statutory meeting and he is anticipating having a decision early in the New Year.

There were no further questions from the members of the Committee.

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

Moved by L. McNair and seconded by C. Downer,

“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 Lot 2, Registered Plan 61M-114, Summerfield Drive, a parcel with a frontage of 9.25 metres along Summerfield Drive and a depth of 32.03 metres be approved,

subject to the following conditions:

1. That the owner pays the actual cost of constructing a new water service lateral to the proposed retained lands including the cost of any curb cuts or curb fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
2. That the owner pays the actual cost of the installation of an individual private forcemain and grinder pump system for the proposed retained lands and the design and installation of such system is to meet the requirements of the Ontario Building Code, to the satisfaction of the Chief Building Official.

3. That the owner pays the actual cost of the construction of the new driveway entrances including the required curb cuts and/or curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permit.
4. That the owner pays the actual cost of the removal of the existing concrete within the road allowance from the area of the existing driveway entrance, the restoration of the boulevard with topsoil and sod including any required curb fill, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit
5. That a legal off-street parking space be created on the proposed severed lands and the proposed retained lands at a minimum setback of 6-metres from the property line at the street.
6. That the owners of the proposed severed lands and the proposed retained lands (Lot 2, Registered Plan 61M-114) will be responsible for the maintenance and protection of the existing drywell.
7. That the owners grade, develop and maintain the site in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer.
8. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed new dwelling on the said lands, prior to the issuance of a building permit.
9. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
10. The owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
11. That prior to endorsonation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
12. That Zoning By-law Amendment ZC1311 to amend the zoning on the subject lands from R.1B to R.1D be approved and be in full force and effect, prior to endorsonation of the deeds.

13. Prior to the issuance of any building permit for the lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
14. Prior to the issuance of any building permit for the lands, the owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.
15. That a site plan be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwelling on the severed parcel indicating:
  - a. The location and design of the new dwelling;
  - b. All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
  - c. The location of the new dwelling with a setback that is in character with the surrounding area;
  - d. Grading, drainage and servicing information;
16. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
17. That the elevation and design drawings for the new dwelling on the severed parcel be submitted to, and approved by the General Manager of Planning Services, prior to the issuance of a building permit for the new dwelling in order for staff to ensure that the design of the new dwelling respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
18. That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services.
19. That the applicant pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education

Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit;

20. That prior to endorsonation of the deeds, the existing foundation on the subject lands be completely demolished and removed.
21. That prior to issuance of a building permit, the owner make satisfactory arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of two new underground services to the newly created lots. This would be at the owner's expense.
22. That prior to the endorsonation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
23. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to September 27, 2014.
24. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
25. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
26. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

**Application:**           **A-75/13**

**Owner:**               **2073977 Ontario Ltd.**

**Agent:** Astrid J. Clos Planning Consultants, Astrid Clos

**Location:** 12 Wyndham Street North

**In Attendance:** Astrid Clos  
Chief of Police Bryan Larkin  
Bobbi Neal  
Dario Direnzo  
Charles Nash  
Ian Panabaker  
Marty Williams  
Bobbi Minor  
Lloyd Grinham

The Acting Secretary-Treasurer advised the Committee of comments received from Heritage Guelph:

“That Heritage Guelph has no objection to the proposed minor variance application for an increase in occupancy at 12 Wyndham Street North / 58 MacDonell Street, and that Heritage Guelph is supportive of the perspective, elevation and plan drawings provided in the 25 June Committee of Adjustment application but must still review any proposal for awnings, signage and lighting associated with the redevelopment of the property and the owners’ Downtown Façade Improvement Grant Application.”

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. A. Clos replied that the signs were posted and the staff comments were received. She explained that initially two variances have been applied for, one for 58 MacDonell Street and one for 12 Wyndham Street. She advised that they wish to withdraw the application for 58 Macdonell Street.

Ms. A. Clos explained that the restaurant known as “Frank and Steins” has a grandfathered capacity of 228 people which is greater than the zoning by-law currently permits. She explained that the added 40 people on the patio are not part of the minor variance requested. She also explained that the minor variance requested is for adding the capacity from 228 to 290 people which is an increase of 62 people. She commented that the downtown is transitioning with more residential units being built. She noted that restaurants add activity in the downtown core during the day; good examples are Albion and Van Gogh who have managed to improve as restaurants. She explained that seven years ago the issue with downtown crowds was large due to students being younger and not of drinking age. She continued by quoting crime rate statistics provided in the letter submitted by Chief of Police. She commented that the property owners are investing 350,000 dollars to improve the building. She commented that the

proposal is to reinstate the heritage value of the building and a restaurant would add activity during the day. She explained that when the 2004 report went to Council, the zoning by-law was changed to limit the floor area and number of persons to 190. She explained that the intent is not to enlarge the existing floor area. She advised the Committee that the Downtown Business Association board of management has commented that the regulations are too restrictive. She commented that the opportunity to vary a zoning by-law exists and the report did not state that a zone change has to occur. She also commented that they applied in May of 2012 for a façade improvement plan and in November of 2012 an architect prepared for the facade improvements. She noted that after a meeting with staff, the owners left thinking that the minor variance will be supported. She also noted that staff did not mention that there is a need for a zone change. She continued by mentioning that recently two downtown restaurants got approval from Committee of Adjustment to increase their floor area. She noted that these applications did not require a zone change.

Ms. A. Clos noted that the general intent of the Official Plan is being maintained. She explained that the objective was to encourage restoration on heritage buildings. She continued by quoting sections from the Official Plan. She reminded the Committee that Downtown Business Association and Economic Development have provided letters in support of the application. She noted that the intent of the zoning by-law is maintained and the use is permitted. She explained that with a floor area of 131 square metres, 303 people could be accommodated. She also explained that the owners are trying to bring the building to compliance with the zoning by-law regulations by improving the exterior design. She noted that the impact of the application is minor when comparing to a new license establishment being created. She also noted that the old building is using its existing footprint which makes the variance desirable. She commented that the variance request meets all four tests of the Planning Act. She continued by referencing conditions typed as part of her presentation she is recommending to be included if the application is approved.

Committee member L. McNair commented that he is proposing to add a third condition in addition to the two proposed by the applicant. He noted that he is proposing to add a condition which states that the increase in the capacity will not be realized until the first two proposed conditions have been met; being that a restaurant be opened within two years and the façade improvements be made within two years.

Committee member C. Downer questioned if staff can respond to the comment regarding the 2005 report stating that a variance can be requested through the Committee of Adjustment. She also noted that staffs comment stated that a comprehensive review should be conducted.

Planner M. Witmer replied that staff feels that due to the potential cumulative impact the granted variance could have, staff needs to conduct a thorough study through a zoning by-law amendment. He explained that they are only considering this application itself and staff will view all applications on their own merits.

Committee member C. Downer questioned what detailed studies staff would perform.



Planner M. Witmer replied that it would be premature to comment on the details and that staff needs to study to realize how the downtown has progressed.

Committee member C. Downer questioned if this means that the staff must find out if the downtown has the capacity to handle the request.

Planner M. Witmer replied that more statistics are required on how the downtown has progressed so staff can form an opinion.

Committee member L. McNair commented that the restaurant might have one of the largest footprints of the downtown area.

Mr. C. Nash replied that there are at least three other establishments with a footprint that is double or more. He explained that they were grandfathered as well with a capacity of 1,300, 600 and 500.

Committee member L. McNair commented that when dealing with capacity, the zoning by-law should also have the square footage in mind and not just a number of 190.

Planner M. Witmer agreed and commented that this would be part of the comprehensive study.

Mr. C. Nash commented that the capacity number is provided for in the Ontario Building Code regulations. He explained that ten years ago if they had added more bathrooms, that would have given them the capacity for 330 people.

Committee member C. Downer noted that the Committee is considering the increase in the numbers. She noted that the numbers were important at the time when the by-law was changed. She recommended refusal of the application and also recommended to follow the proposal to have City staff complete a comprehensive study. She explained that she is aware of the comments received from Police Services where the situation was thoroughly looked at in 2004, which is the reason why there is a concern. She noted that setting a precedent with increasing the numbers makes her concerned without completing a revised study.

Chair R. Funnell commented that the variance is not minor in nature and perhaps a revised study should be considered.

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 C. Downer a seconded by A. Diamond,

“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 6.3.2.5.3 of Zoning By-law (1995)-14864, as amended, for 12 Wyndham Street North, to permit the total capacity of a licensed establishment (Frank and Steins) on the main floor to increase by 62 persons and by 40 persons in a proposed outdoor patio, up to 330 persons in total, when the By-law permits a total capacity for a licensed establishment of 190 persons, be refused.

The reason for refusal being:

1. The variance is not minor in nature.”

Carried

Committee member L. McNair commented that an increase of 62 persons is not major. He also commented that the owners have agreed that the proposed first two conditions will not be realized until they are completed. He noted that the proposed overall upgrading is important and the application meets the criteria for a minor variance.

**Application:** A-87/13

**Owner:** 536357 Ontario Ltd.

**Agent:** Drew Gillingham

**Location:** 9 Wyndham Street North

**In Attendance:** Drew Gillingham  
Ian Panabaker  
Chief of Police Bryan Larkin  
Marty Williams

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. D. Gillingham replied that the sign was posted and the staff comments were received. He explained that in light of the application heard before them recommending a comprehensive study, they would like to withdraw the application.

September 24, 2013, 2013 C of A Minutes

There were no questions from the members of the Committee. The application is considered withdrawn as per request from applicant.

**Application:**            **A-88/13**

**Owner:**                **536357 Ontario Ltd.**

**Agent:**                 **Drew Gillingham**

**Location:**            **72 MacDonell Street**

**In Attendance:**       **Drew Gillingham**  
                              **Robert Dehu**  
                              **Ian Panabaker**  
                              **Chief of Police Bryan Larkin**  
                              **Marty Williams**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. R. Dehu replied that he would respectfully like to withdraw the application.

There were no questions from the members of the Committee. The application is considered withdrawn as per request from applicant.

The meeting adjourned at 5:36 p.m.

R. Funnell  
Chair

Minna Bunnett, ACST(A)  
Acting Secretary Treasurer

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday October 8, 2013 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell, Chair  
J. Hillen  
B. Birdsell (until 6:42 p.m.)  
C. Downer  
A. Diamond  
L. McNair

Regrets: D. Kelly

Staff Present: M. Witmer, Planner  
M. Bunnett, Acting Secretary-Treasurer

### Declarations of Pecuniary Interest

Committee member B. Birdsell declared a pecuniary interest in applications B-52/13 to B-61/13 as the applicant is a former client.

### Meeting Minutes

Moved by L. McNair and seconded by C. Downer,

“THAT the Minutes from the September 24, 2013 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

The Acting Secretary-Treasurer advised of a request for a refund of deferral fees for application A-18/13 at 75 Creighton Avenue. She noted that the application was for a deck setback and was deferred so that the owner could discuss his options regarding drainage with Engineering Services. She also noted that a detailed letter has been received from the home owner regarding the request for a refund. She advised that the deferral fee was for \$230.

A brief discussion took place regarding the details of the application and deferral fee.

Consideration of Refund of the Deferral Fee for Application A-18/13

Moved by C. Downer and seconded by L. McNair,

“THAT the Acting Secretary-Treasurer refund 100% (\$230) of the deferral fee for application A-18/13 at 75 Creighton Avenue.”

**Applications:** A-121/13, A-122/13, A-123/13 and A-124/13

**Owner:** 1830334 Ontario Ltd.

**Agent:** Fusion Homes, Samantha Sutton

**Location:** Mussen Street

**In Attendance:** Neal Hallock

The Acting Secretary-Treasurer advised of a grammar error in the notice. She noted that the percentage given in the notice reflects the accurate variances requested for the lot coverage areas.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. N. Hallock replied the signs were posted and the staff comments were received. He was available for any comments.

Committee member L. McNair commented that there will most likely be a right-of-way at the rear of the lots. He questioned if the right-of-way is considered to be part of the lots.

Mr. N. Hallock replied that this is correct.

Committee member L. McNair commented that the request is not minor in nature and that the regulations in the by-law for lot sizes are appropriate. He questioned the distance from the back of the units to the rear property line and the size of the right-of-ways.

Mr. N. Hallock replied that the rear yards are almost 9 metres deep which is well within the rear yard setback requirement. He commented that he believes the right-of-way is approximately 1.5 metres deep.

Planner M. Witmer commented that the setback requirements have been met which makes the application minor in nature. He also commented that the applicants attempt to meet the setbacks will not cause the units to dominate the streetscape.

Committee member L. McNair noted that he has a concern with the backyard not being large enough.

Mr. N. Hallock commented that they conform to the setbacks and construct two storey units instead of three storeys.

Committee member L. McNair withdrew his comment regarding the rear yard setbacks after he was able to review a plan to confirm that the rear yards are more than 9 metres deep. He commented that he is not able to support application A-121/13 due to the variance required for landscaped open space.

#### Application A-121/13

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 B. Birdsell and seconded by C. Downer,

“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 5.3.2 Row 8 and Row 13 of Zoning By-law (1995)-14864, as amended, to construct eight (8) on-street townhouse units on Block 5, Registered Plan 61M-189, for properties municipally known as 62 - 76 Mussen Street,

- a) to permit a maximum building coverage of 50% of the lot area when the By-law permits a maximum building coverage of 40%, and,
- b) to permit a minimum landscaped open space of 37.5% of the lot area when the By-law requires a minimum landscaped open space of 40% of the lot area,

be approved.”

Carried

#### Application A-122/13

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 B. Birdsell and seconded by C. Downer,

“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 5.3.2 Row 8 of Zoning By-law (1995)-14864, as amended, to construct five (5) on-street townhouse units on Block 5, Registered Plan 61M-189, for properties municipally known as 5 - 15 Mussen Street, to permit a maximum building coverage of 50% of the lot area when the By-law permits a maximum building coverage of 40%, be approved.”

Carried

Application A-123/13

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 B. Birdsell and seconded by C. Downer,

“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 5.3.2 Row 8 of Zoning By-law (1995)-14864, as amended, to construct five (5) on-street townhouse units on Block 5, Registered Plan 61M-189, for properties municipally known as 17 - 25 Mussen Street, to permit a maximum building coverage of 50% of the lot area when the By-law permits a maximum building coverage of 40%, be approved.”

Carried

Application A-124/13

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 B. Birdsell and seconded by C. Downer,

“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 5.3.2 Row 8 of Zoning By-law (1995)-14864, as amended, to construct five (5) on-street townhouse units on Block 5, Registered Plan 61M-189, for properties municipally known as 27 - 35 Mussen Street, to permit a maximum building coverage of 50% of the lot area when the By-law permits a maximum building coverage of 40%, be approved.”

Carried

**Application:** A-117/13

**Owner:** Sarah and Michael Harrison

**Agent:** n/a

**Location:** 54 Glasgow Street North

**In Attendance:** Sarah Harrison  
Michael Harrison

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. M. Harrison replied the sign was posted and the staff comments were received. He explained that they have owned the property since 1997 and are proposing to create an apartment now that their children are getting older. He also explained that they are not enlarging the existing house and would like to introduce the least amount of changes to the dwelling. He commented that their proposal is in keeping with the neighbourhood.

Committee member L. McNair questioned if the basement area is included in the calculation for the total floor area of the dwelling.

Planner M. Witmer replied that the basement is included in the total area calculation of the dwelling.

There were no further questions from the members of the Committee.



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 A. Diamond and seconded by B. Birdsell,

“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 54 Glasgow Street North, to permit a two bedroom accessory apartment on the second floor of the residential dwelling to have an area of 107.7 square metres (1,160 square feet) when the By-law requires that an accessory apartment not exceed a maximum of 80 square metres (861.1 square feet) in floor area, be approved.

Reason for approval being:

1. The apartment is considered to be subordinate to the main dwelling.”

Carried

**Application:** A-119/13  
**Owner:** Stephanie Vos  
**Agent:** Ryan Aguanno  
**Location:** 240 Alma Street North  
**In Attendance:** Stephanie Vos

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. S. Vos replied that the sign was posted but was ripped down this week. She explained that it was difficult for them to come from Toronto to re-post the sign.

Planner M. Witmer noted that Planner S. Laughlin was able to confirm with neighbours that the sign had been posted and was down recently.

Ms. S. Vos explained that they purchased the property in 2009 with a finished basement and they now wish to legalize the accessory apartment.

Committee member L. McNair questioned how practical it would be to try to reduce the size of the unit and if the apartment was already created when they purchased the property.

Ms. S. Vos replied that the apartment was already in place and they realized that the apartment was not legalized.

Committee member J. Hillen questioned if the laundry is shared between the two units.

Ms. S. Vos replied that the laundry area is shared.

Committee member J. Hillen questioned if the laundry area has been removed from the floor area calculation.

Planner M. Witmer replied that it is removed from the calculation and it is up to the owner to decide if laundry is a shared area or not.

Ms. S. Vos commented that there is only one door and they have to access the laundry through the apartment.

There were no further questions from the members of the Committee.

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 B. Birdsell and seconded by A. Diamond,

“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 240 Alma Street North, for a two bedroom accessory apartment in the basement;

- a) to have an area of 91 square metres (980 square feet) when the By-law requires that an accessory apartment shall not exceed a maximum of 80 square metres (861.1 square feet) in floor area, and
- b) to occupy 47% of the total floor area of the building when the By-law requires that an accessory apartment shall not exceed 45% of the total floor area of the building,

be approved.

The reason for approval being:

1. The dwelling is not operated as a duplex but as a dwelling with an accessory apartment.”

Carried

**Application:** A-118/13  
**Owner:** Susan Hubner  
**Agent:** n/a  
**Location:** 211 Arthur Street North  
**In Attendance:** Susan Hubner  
Hilary Wootton

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. S. Hubner replied the sign was posted and the staff comments were received. She explained that the apartment has existed since 1990 and thought the apartment was legal. She also explained that she understood a fire inspection was required and that she required a variance for the parking. She commented that she has one car and her tenants have bikes. She noted the dwelling is close to downtown with access to public transport. She commented that there is 24 hour parking available on Pearl Street. She explained that the established apartment is on the main floor and does not change the character of the dwelling.

Committee member C. Downer commented that the applicant still has to go through the building permit process.

Chair R. Funnell noted that staff comments indicate permits are required but it is not a proposed condition.

Committee member L. McNair commented that the fire department will look into the fire code issues such as smoke alarms etc. He noted that there already is one parking space but no room for a second one.

Committee member B. Birdsell noted the second parking space is not a legal space since it is not located on the private property.

Committee member C. Downer questioned whether one parking space could be created on the left side of the dwelling.

Planner M. Witmer replied that a variance would be required for creating a second driveway. He advised that the property slopes on Pearl Street side and there might be an issue with the sight line triangle regulation.

Committee member C. Downer commented that perhaps to create a new driveway, the existing driveway could be closed.

Committee member B. Birdsell noted that the owner would lose the existing amenity area and might perhaps have to cut down trees.

Ms. H. Wootton, owner of 209 Arthur Street North, commented that she is supportive of the application.

Committee member L. McNair noted that the decision is a difficult one but he could approve the application for the current owner only. He commented that when the ownership changes, the new owner would have to re-apply for a variance.

Committee member B. Birdsell commented that there is a registration process in place.

Planner M. Witmer noted that Building Services staff is requesting that a building permit is applied for. He advised that if the Committee wishes to add a condition that applies to the current owner only, an agreement could be registered on title prior to issuance of a building permit.

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. McNair and seconded by B. Birdsell,

“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 4.13.4.3 and 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 211 Arthur Street North,

- a) to permit one legal off-street parking space when the By-law requires that a total of three off-street parking spaces be provided for a dwelling with an accessory unit, and
- b) to permit the one off-street parking space to be located ahead of the front wall of the main building, 3.4 metres (11.15 feet) from the front property line, when

the By-law requires that in a R.1 zone, the required parking space shall be located a minimum distance of 6 metres (19.68 feet) from the front property line and to the rear of the front wall of the main building,

be approved, subject to the following condition:

1. That prior to the issuance of a building permit, the owner enters into a Site Plan Control Agreement, satisfactory to the City Solicitor, registered on title, which would limit the variance approval to the term of the applicant's ownership only."

Carried

**Application:**            **A-120/13**

**Owner:**                **Jacob Legein**

**Agent:**                 **n/a**

**Location:**            **416 Cole Road**

**In Attendance:**      **Jacob Legein**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. J. Legein replied the sign was posted and the staff comments were received. He explained that due to the position of structural walls he is not able to comply with the size regulation. He commented that a mature student looking for a one bedroom unit fits with the neighbourhood. He explained that even though the Zoning By-law allows him to create a two bedroom unit, he has no intent on creating a second bedroom. He explained that the unused space has plumbing in it. He noted that he wishes to maintain the integrity of the street.

There were no questions from the members of the Committee.

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. McNair and seconded by C. Downer,

“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 416 Cole Road, to permit a one bedroom accessory apartment in the basement of the residential dwelling with an area of 92 square metres (990 square feet) when the By-law requires that an accessory apartment not exceed a maximum of 80 square metres (861.1 feet) in floor area, be approved.”

Carried

**Application:** A-115/13  
**Owner:** David Neill  
**Agent:** n/a  
**Location:** 16 Whispering Ridge Drive  
**In Attendance:** David Neill  
Robert Rush  
Kenneth Edwards  
Elaine Edwards

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. D. Neill replied the sign was posted and the staff comments were received. He explained that he purchased the house in 2012 and the dwelling was occupied by five residents under one lease. He also explained that the Zoning By-law states that you cannot rent more than four units. He commented that he would like to keep the five tenants under one joint lease. He noted he is not proposing to change the dwelling in any way.

Committee member L. McNair questioned if the five tenants have signed the one lease jointly and if so, is the owner proposing to change that.

Mr. D. Neill replies that this is correct; the tenants are all responsible individually and collectively. He explained that there are two types of lodging homes but he wishes to rent the dwelling to five persons. He also explained that he has previously tried to restrict the number of bedrooms to four but the tenants have always ended up adding a fifth room.

Planner M. Witmer noted that the Zoning By-law regulates Type 1 and Type 2 lodging houses. He explained that Type 2 lodging houses are for higher density townhouse dwellings.

Mr. D. Neill commented that if the tenants are under one joint lease, the City would interview the tenants and decide on the type of a lodging house. He explained that this is not what the Committee is deciding on but that would be his next step.

Planner M. Witmer noted that the minor variance application is for a lodging house. He commented that how the lease is signed is irrelevant to this application.

Committee member L. McNair commented that there is a case in Niagara where the house was considered to be a single detached dwelling since the people knew each other and were on one lease.

Planner M. Witmer advised that the case from St. Catherine's had a different forum. He also advised that the case was regarding challenging the city zoning by-law in court and was not a minor variance application.

Mr. R. Rush, a resident on Whispering Ridge Drive, commented that the street has deteriorated and most residents have left the City. He explained that the problems are immense relating to behaviour and littering. He commented that the homes were built for single family dwellings and not for several students. He noted that there is nowhere to park on the street and garbage trucks and snowploughs have difficulty getting in and out. He commented that the majority of the rental houses do not conform to the by-law regulations and would not pass a fire inspection.

Planner M. Witmer clarified that the term "single family house" cannot be used due to it being discriminatory, term "single detached dwelling" is used instead.

Mr. K. Edwards, the owner of 108 Cole Road, commented that they have not had too many problems with the kids but the problem is that there is already another rental house five doors up. He explained that they cannot find a parking spot on the street for their visiting family. He commented that rental housing is driving the regular families out of the area.

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 C. Downer and seconded by A. Diamond,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.25 Row 3 of Zoning by-law (1995)-14864, as amended, for 16 Whispering Ridge Drive, to permit a five bedroom lodging house to be located within 17.5 metres of an existing lodging house located at 116 Cole Road and within 73 metres of an existing lodging house

located at 692 Scottsdale Drive when the By-law requires that a minimum separation between buildings being used as a Lodging House Type 1 shall be 100 metres, be refused.

Reasons for refusal being:

1. The variance does not meet the four tests under the Planning Act,
2. The variance is not minor in nature, and
3. There would be a negative impact on the neighbourhood.”

Carried

**Application:** A-116/13

**Owner:** David Neill

**Agent:** n/a

**Location:** 92 Harvard Road

**In Attendance:** David Neill  
Tim Moore  
Linda Moore  
Wendy Townsend  
Larry Townsend  
Christina Tourangeau  
Dan Tourangeau  
Al Sullivan  
Trevor Elmslie

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Neill replied the sign was posted and the staff comments were received. He explained that the home currently has six bedrooms which are occupied by six residents. He commented that if he cuts the units down to four, this will create a need for another residence for students. He explained that creating an accessory unit is not a beneficial use of the dwelling. He also explained that the second kitchen would create a fire hazard and he would also need to create another exit from the dwelling. He noted that the approved variance would allow him to keep the home in its current state and he would be able to attract his pick of tenants. He also noted that he realizes the application is not minor in nature but he would like to continue the six tenants to legally occupy the home. He advised that he realizes the application will most likely be refused.



Committee member L. McNair questioned if the dwelling currently has four bedrooms in upper level and two bedrooms in the basement.

Mr. D. Neill replied that currently there are three bedrooms up and three in the basement.

Mr. A. Sullivan, the owner of 5 Rickson Ave, explained that there are several student residences in the area, approved and not approved, and he does not believe the variance is in the best interest of the neighbourhood. He also explained that the property in question is a business and is not compatible with the area. He commented that the University of Guelph is dealing with declining enrolment and new residences are being created for the students elsewhere. He ended by commenting that there is no need for the business at 92 Harvard Road and urged the Committee to refuse the application.

Planner M. Witmer commented that they cannot label the tenants as students. He explained that the Zoning By-law defines it a lodging house when five units are being rented.

Mr. A. Sullivan replied that the definition for a lodging house is outdated and should be updated.

Mr. T. Elmslie, a resident on Harvard Road, noted that they have seen an increase in number of students in lodging houses in the last number of years. He explained that the students are not the problem but the number of people that are not engaged in the community to increase the value of the community. He also explained that installing an accessory apartment will cost money the owner is not willing to spend and the only person buying a six bedroom house is a person who wishes to rent it to students. He noted that an accessory apartment would be better for the community than a lodging house.

Planner M. Witmer advised that property can meet the parking requirements for an accessory apartment. He also advised that, to eliminate any fire concerns, Building Services staff would follow the Ontario Building Code requirements.

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 C. Downer and seconded by J. Hillen,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.25 Row 3 of Zoning By-law (1995)-14864, as amended, for 92 Harvard Road, to permit a six bedroom lodging house in a single detached dwelling to be located within 64 metres of an existing

lodging house located at 11 Rickson Avenue when the By-law requires that a minimum separation between buildings being used as a Lodging House Type 1 shall be 100 metres, be refused.

Reasons for refusal being:

1. The variance requested is not minor in nature,
2. The proposal is not desirable for the neighbourhood, and
3. An accessory apartment could be more desirable for the neighbourhood.”

Carried

**Application:** A-114/13

**Owner:** Erica Davis

**Agent:** Ravi Raman Law, Ravi Raman

**Location:** 8 Terrace Lane

**In Attendance:** Erica Davis  
Ravi Raman  
John McDonald  
Ann McDonald

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. R. Raman, legal representative to Ms. Davis, replied the sign was posted and the comments were received. He explained that there is a long history where Ms. Erica Davis faced four charges based on issues raising with a fence and a shed. He also explained that the Justice of the Peace found Ms. Davis guilty on two charges, one related to the placement of the existing shed. He noted that as per the instructions of the Justice of the Peace, an application for a minor variance was submitted. He explained that the shed has been in existence since 1975 and prior to the current regulations of the 1995 Zoning By-law. He proceeded with quoting Section 34.9 of the Planning Act. He commented that because the by-law was changed, it should not mean that the owner has to change an existing situation. He noted that the location of the shed pre-dates the by-laws, including the swimming pool by-law. He commented that the neighbours have not had any problems with the shed and the details submitted by the neighbours' lawyer should not be relied on.

Committee member J. Hillen questioned if the swimming pool still exists and if the existing shed was used to house pool equipment.

Mr. R. Raman replied that the pool was closed but the intent is to replace the pool. He explained that the shed is still housing the pool pump and all the equipment.

Committee member J. Hillen questioned whether there is any proof of a building permit for the shed.

Committee member L. McNair commented that the shed is not big enough to require a permit.

Mr. R. Raman commented that nothing will be pulled out of the shed until the owner knows what she will need.

Committee member L. McNair questioned if there is a concrete floor and if the actual piping for the pool is coming out of the concrete.

Ms. E. Davis replied that the company which removed the pool is waiting for the ground to settle and will then determine what will be required for the new pool.

Planner M. Witmer advised the Committee members of Section 2.5.2 of the Zoning By-law which states that any accessory building or structure erected after June 6, 1971, must conform with all regulations of the applicable zone within the 1995 by-law. He explained that this confirms the shed is not legal non-complying and a variance is required for the setback.

Mr. J. McDonald, owner of 10 Terrace Lane, commented that fences that his neighbour erected have ruined his existing fence. He explained that he is unable to repair his fence until the shed is removed. He also explained that they purchased their house in 1987 and the shed was built after that, sometime in the early to mid 1990's.

Committee member L. McNair commented that in following the regulations of the swimming pool by-law, the existence of the shed would mean that the owner would have to move the fence away from the shed.

Planner M. Witmer replied that is how the by-law is interpreted.

Mr. J. McDonald stated that he has a pool in his rear yard and Ms. Davis will have a pool in her back yard, the by-law works both ways.

Mr. R. Raman referred to a photograph of the shed and pointed at structures on both sides of the existing fence. He explained that the situation has been lengthy and once the existing shed falls down, Ms. Davis will re-erect a shed which conforms to the by-law regulations.

Mr. J. McDonald stated that the shed could be relocated and does not have to be taken down. He explained that her contractor could have moved the shed when they were there removing the pool.

Committee member L. McNair noted concerns with the retaining wall and fence which will facilitate climbing and does not provide for a safe barrier.

Planner M. Witmer reminded the Committee members that the variance application submitted is for the location of the shed and not for the fence.

Ms. A. McDonald, of 10 Terrace Lane, commented that the swimming pool had to be filled because it was not being maintained and she had the same concerns regarding the shed.

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. McNair and seconded by J. Hillen,

“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 4.5.1.2 of Zoning By-law (1995)-14864, as amended, for 8 Terrace Lane, to permit a 1.8 metre by 2.4 metre (6 foot by 8 foot) existing shed to be located 0.05 metres (0.17 feet) from the right side lot line in the rear yard when the By-law requires that an accessory building or structure shall not be located within 0.6 metres (1.96 feet) of any lot line, be refused.

Reason for refusal being:

1. The variance requested is not minor in nature.”

Carried

Having declared a pecuniary interest in the following applications, Committee member B. Birdsell left the meeting at 6:42 p.m.

**Applications:** B-52/13 to B-61/13

**Owner:** Guelph Sikh Society and Westminster Woods

**Agent:** SmithValeriotte Law Firm LLP, John Valeriotte, C. Richard Woolfrey

**Location:** 187, 189, 191, 193, 195, 197, 199, 201, 203 and 205 Goodwin Drive

**In Attendance:** John Valeriotte

**Dave Jassal**  
**Divinder S. Grewal**  
**Ranjit Hira**  
**Darshan Jassal**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. J. Valeriotte replied the signs were posted and the staff comments were received. He explained that the applications reflect the Reid's side of the application and the Sikh community will create the temple site. He noted that unfortunately, the sequence of registrations did not happen as planned. He explained that, prior to the expiry date of the approved consents, a development agreement was to be signed and registered which did not occur. He commented that it is not uncommon that a deed gets stamped and held in escrow, which did not happen in this case. He noted that it cost his clients \$12,000 in application fees to re-submit the consents and they are respectfully asking for a relief of the application fees.

Committee member L. McNair questioned whether the applicant is in agreement with all the conditions.

Mr. J. Valeriotte replied they agree and realize the conditions form part of the agreement.

Application B-52/13

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 C. Downer and seconded by L. McNair,

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 10, Concession 8 and Part of Block 175, Registered Plan 61M-143, being parts 4 and 12, Reference Plan 61R-10932, to be municipally known as 187 Goodwin Drive, a parcel with a frontage of 9.2 metres and a depth of 32 metres, be approved,

subject to the following conditions:

1. That the applicant shall pay to the City cash-in-lieu of parkland dedication in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545 and By-law (2007)-18225, or any successor thereof prior to the issuance of any building permit, at the rate in effect at the time of the issuance of any building permit.

2. That prior to the issuance of a building permit, the applicant agrees to plant a tree in the rear yard of each property for detached dwellings to the satisfaction of the General Manager of Planning Services to compensate for tree removal.
3. Prior to the issuance of building permits, the owner agrees that the new single detached dwelling units will be constructed to an ENERGY STAR standard that promotes energy efficiency standards to comply with the City's Community Energy Plan.
4. That applicant shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City, prior to the issuance of any building permit for the new dwellings.
5. The Owner agrees to pay to the City, as determined applicable by the City's Director of Finance development charges and education development charges to the City for the new dwellings in accordance with By-law Number (2009)-18729, as amended from time to time, or any successor thereof and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic School Board as amended from time to time, or any successor by-laws thereof; prior to issuance of any building permit, at the rate in effect at the time of the issuance of a building permit.
6. The Owner shall pay to the City the estimated cost of constructing sanitary, storm and water service laterals including curb cuts or fills required to accommodate the new dwellings on the said lands, as determined by the General Manager/City Engineer, to be paid, prior to the issuance of any building permit for the new dwellings. The Owner further agrees to pay the actual cost of constructing sanitary, storm and water service laterals including curb cuts and fill required and shall pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the Owner without interest. In the event that the construction of sanitary, storm and water service laterals including curb cuts or curb fill required are not completed within three (3) months of the issuance of the building permit for the new dwellings, the City reserves the right to re-estimate the cost of constructing sanitary, storm and water service laterals including curb cuts or curb fills and further, in this event, the Owner shall forthwith forward to the City any increase in cost resulting from the re-estimate of the cost of constructing sanitary, storm and water service laterals including curb cuts or curb fills required.

7. The owner agrees to construct the new dwellings on the said lands at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
8. The owner shall be responsible for the actual cost of the construction of the new driveway entrances for the new dwellings. The Owner shall pay to the City, the City's estimated cost of the construction of the new driveway entrances, as determined by the General Manager/City Engineer, prior to the issuance of any building permit. Upon completion of accounting, the Owner agrees to pay the full amount by which the actual costs exceeds the estimated cost within thirty (30) days of receipt of an invoice by the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the Owner without interest. In the event that the construction of the new driveway entrances and required curb cuts and/or curb fills are not completed within three (3) months of the issuance of the building permit, the City reserves the right to re-estimate the cost of constructing the new driveway entrances and required curb cut and/or curb fills, and further in this event, the Owner shall forthwith forward to the City any increase in cost resulting from the re-estimate of the cost of constructing the new driveway entrances and the required curb cut and/or curb fills.
9. The Owner agrees to submit a grading and drainage plan for the said lands, to be approved by the General Manager/City Engineer, prior to the issuance of any building permit for the new dwellings. The Owner agrees to grade and drain the said lands in accordance with the approved plan.
10. The Owner agrees to pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the new dwellings on the said lands, prior to the issuance of a building permit for any new dwelling.
11. The Owner agrees that any domestic wells, septic systems and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer, prior to issuance of any building permit for the new dwellings.
12. The Owner agrees to make arrangements for the provision of underground hydro servicing to the said lands as well as provisions for any easements and/or rights-of-way for their plants, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc., prior to issuance of any building permit for the new dwellings. The servicing costs would be at the owner's expense.
13. The Owner agrees to notify all purchasers that sump pumps will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot

in accordance with a design by a Professional Engineer. Furthermore, the Developer shall ensure that all sump pumps are discharged to the rear yard and the Developer shall notify all purchasers that the discharge shall be to the rear yard.

14. That prior to building or endorsation of the deed, the applicant makes arrangement for the hydro servicing to the severed parcels, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
15. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
16. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to October 11, 2014.
17. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
18. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
19. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

#### Application B-53/13

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 C. Downer and seconded by L. McNair,



“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 10, Concession 8 and Part of Block 175, Registered Plan 61M-143, being parts 5 and 13, Reference Plan 61R-10932, to be municipally known as 189 Goodwin Drive, a parcel with a frontage of 9.2 metres and a depth of 32 metres, be approved,

subject to the following conditions:

1. That the applicant shall pay to the City cash-in-lieu of parkland dedication in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545 and By-law (2007)-18225, or any successor thereof prior to the issuance of any building permit, at the rate in effect at the time of the issuance of any building permit.
2. That prior to the issuance of a building permit, the applicant agrees to plant a tree in the rear yard of each property for detached dwellings to the satisfaction of the General Manager of Planning Services to compensate for tree removal.
3. Prior to the issuance of building permits, the owner agrees that the new single detached dwelling units will be constructed to an ENERGY STAR standard that promotes energy efficiency standards to comply with the City’s Community Energy Plan.
4. That applicant shall pay to the City, the City’s total cost of reproduction and distribution of the Guelph Residents’ Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City, prior to the issuance of any building permit for the new dwellings.
5. The Owner agrees to pay to the City, as determined applicable by the City’s Director of Finance development charges and education development charges to the City for the new dwellings in accordance with By-law Number (2009)-18729, as amended from time to time, or any successor thereof and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic School Board as amended from time to time, or any successor by-laws thereof; prior to issuance of any building permit, at the rate in effect at the time of the issuance of a building permit.
6. The Owner shall pay to the City the estimated cost of constructing sanitary, storm and water service laterals including curb cuts or fills required to accommodate the new dwellings on the said lands, as determined by the General Manager/City Engineer, to be paid, prior to the issuance of any building permit for the new dwellings. The Owner further agrees to pay the actual cost of constructing sanitary,

- storm and water service laterals including curb cuts and fill required and shall pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the Owner without interest. In the event that the construction of sanitary, storm and water service laterals including curb cuts or curb fill required are not completed within three (3) months of the issuance of the building permit for the new dwellings, the City reserves the right to re-estimate the cost of constructing sanitary, storm and water service laterals including curb cuts or curb fills and further, in this event, the Owner shall forthwith forward to the City any increase in cost resulting from the re-estimate of the cost of constructing sanitary, storm and water service laterals including curb cuts or curb fills required.
7. The owner agrees to construct the new dwellings on the said lands at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
  8. The owner shall be responsible for the actual cost of the construction of the new driveway entrances for the new dwellings. The Owner shall pay to the City, the City's estimated cost of the construction of the new driveway entrances, as determined by the General Manager/City Engineer, prior to the issuance of any building permit. Upon completion of accounting, the Owner agrees to pay the full amount by which the actual costs exceeds the estimated cost within thirty (30) days of receipt of an invoice by the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the Owner without interest. In the event that the construction of the new driveway entrances and required curb cuts and/or curb fills are not completed within three (3) months of the issuance of the building permit, the City reserves the right to re-estimate the cost of constructing the new driveway entrances and required curb cut and/or curb fills, and further in this event, the Owner shall forthwith forward to the City any increase in cost resulting from the re-estimate of the cost of constructing the new driveway entrances and the required curb cut and/or curb fills.
  9. The Owner agrees to submit a grading and drainage plan for the said lands, to be approved by the General Manager/City Engineer, prior to the issuance of any building permit for the new dwellings. The Owner agrees to grade and drain the said lands in accordance with the approved plan.
  10. The Owner agrees to pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the new dwellings on the said lands, prior to the issuance of a building permit for any new dwelling.

11. The Owner agrees that any domestic wells, septic systems and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer, prior to issuance of any building permit for the new dwellings.
12. The Owner agrees to make arrangements for the provision of underground hydro servicing to the said lands as well as provisions for any easements and/or rights-of-way for their plants, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc., prior to issuance of any building permit for the new dwellings. The servicing costs would be at the owner's expense.
13. The Owner agrees to notify all purchasers that sump pumps will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a design by a Professional Engineer. Furthermore, the Developer shall ensure that all sump pumps are discharged to the rear yard and the Developer shall notify all purchasers that the discharge shall be to the rear yard.
14. That prior to building or endorsement of the deed, the applicant makes arrangement for the hydro servicing to the severed parcels, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
15. That prior to the endorsement of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
16. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to October 11, 2014.
17. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
18. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
19. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the

draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk.”

Carried

Application B-54/13

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 C. Downer and seconded by L. McNair,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 10, Concession 8 and Part of Block 175, Registered Plan 61M-143, being parts 6 and 14, Reference Plan 61R-10932, to be municipally known as 191 Goodwin Drive, a parcel with a frontage of 9.2 metres and a depth of 32 metres, be approved,

subject to the following conditions:

1. That the applicant shall pay to the City cash-in-lieu of parkland dedication in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545 and By-law (2007)-18225, or any successor thereof prior to the issuance of any building permit, at the rate in effect at the time of the issuance of any building permit.
2. That prior to the issuance of a building permit, the applicant agrees to plant a tree in the rear yard of each property for detached dwellings to the satisfaction of the General Manager of Planning Services to compensate for tree removal.
3. Prior to the issuance of building permits, the owner agrees that the new single detached dwelling units will be constructed to an ENERGY STAR standard that promotes energy efficiency standards to comply with the City’s Community Energy Plan.
4. That applicant shall pay to the City, the City’s total cost of reproduction and distribution of the Guelph Residents’ Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost

of one handbook per residential dwelling unit, as determined by the City, prior to the issuance of any building permit for the new dwellings.

5. The Owner agrees to pay to the City, as determined applicable by the City's Director of Finance development charges and education development charges to the City for the new dwellings in accordance with By-law Number (2009)-18729, as amended from time to time, or any successor thereof and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic School Board as amended from time to time, or any successor by-laws thereof; prior to issuance of any building permit, at the rate in effect at the time of the issuance of a building permit.
6. The Owner shall pay to the City the estimated cost of constructing sanitary, storm and water service laterals including curb cuts or fills required to accommodate the new dwellings on the said lands, as determined by the General Manager/City Engineer, to be paid, prior to the issuance of any building permit for the new dwellings. The Owner further agrees to pay the actual cost of constructing sanitary, storm and water service laterals including curb cuts and fill required and shall pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the Owner without interest. In the event that the construction of sanitary, storm and water service laterals including curb cuts or curb fill required are not completed within three (3) months of the issuance of the building permit for the new dwellings, the City reserves the right to re-estimate the cost of constructing sanitary, storm and water service laterals including curb cuts or curb fills and further, in this event, the Owner shall forthwith forward to the City any increase in cost resulting from the re-estimate of the cost of constructing sanitary, storm and water service laterals including curb cuts or curb fills required.
7. The owner agrees to construct the new dwellings on the said lands at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
8. The owner shall be responsible for the actual cost of the construction of the new driveway entrances for the new dwellings. The Owner shall pay to the City, the City's estimated cost of the construction of the new driveway entrances, as determined by the General Manager/City Engineer, prior to the issuance of any building permit. Upon completion of accounting, the Owner agrees to pay the full amount by which the actual costs exceeds the estimated cost within thirty (30) days of receipt of an invoice by the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the Owner without interest. In the event that the construction of the new driveway entrances and required curb cuts and/or curb fills are not completed

- within three (3) months of the issuance of the building permit, the City reserves the right to re-estimate the cost of constructing the new driveway entrances and required curb cut and/or curb fills, and further in this event, the Owner shall forthwith forward to the City any increase in cost resulting from the re-estimate of the cost of constructing the new driveway entrances and the required curb cut and/or curb fills.
9. The Owner agrees to submit a grading and drainage plan for the said lands, to be approved by the General Manager/City Engineer, prior to the issuance of any building permit for the new dwellings. The Owner agrees to grade and drain the said lands in accordance with the approved plan.
  10. The Owner agrees to pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the new dwellings on the said lands, prior to the issuance of a building permit for any new dwelling.
  11. The Owner agrees that any domestic wells, septic systems and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer, prior to issuance of any building permit for the new dwellings.
  12. The Owner agrees to make arrangements for the provision of underground hydro servicing to the said lands as well as provisions for any easements and/or rights-of-way for their plants, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc., prior to issuance of any building permit for the new dwellings. The servicing costs would be at the owner's expense.
  13. The Owner agrees to notify all purchasers that sump pumps will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a design by a Professional Engineer. Furthermore, the Developer shall ensure that all sump pumps are discharged to the rear yard and the Developer shall notify all purchasers that the discharge shall be to the rear yard.
  14. That prior to building or endorsation of the deed, the applicant makes arrangement for the hydro servicing to the severed parcels, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
  15. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
  16. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of

Adjustment along with the administration fee required for endorsement, prior to October 11, 2014.

17. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
18. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
19. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

Application B-55/13

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 C. Downer and seconded by L. McNair,

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 10, Concession 8 and Part of Block 175, Registered Plan 61M-143, being parts 7 and 15, Reference Plan 61R-10932, to be municipally known as 193 Goodwin Drive, a parcel with a frontage of 9.2 metres and a depth of 32 metres, be approved,

subject to the following conditions:

1. That the applicant shall pay to the City cash-in-lieu of parkland dedication in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545 and By-law (2007)-18225, or any successor thereof prior to the issuance of any building permit, at the rate in effect at the time of the issuance of any building permit.

2. That prior to the issuance of a building permit, the applicant agrees to plant a tree in the rear yard of each property for detached dwellings to the satisfaction of the General Manager of Planning Services to compensate for tree removal.
3. Prior to the issuance of building permits, the owner agrees that the new single detached dwelling units will be constructed to an ENERGY STAR standard that promotes energy efficiency standards to comply with the City's Community Energy Plan.
4. That applicant shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City, prior to the issuance of any building permit for the new dwellings.
5. The Owner agrees to pay to the City, as determined applicable by the City's Director of Finance development charges and education development charges to the City for the new dwellings in accordance with By-law Number (2009)-18729, as amended from time to time, or any successor thereof and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic School Board as amended from time to time, or any successor by-laws thereof; prior to issuance of any building permit, at the rate in effect at the time of the issuance of a building permit.
6. The Owner shall pay to the City the estimated cost of constructing sanitary, storm and water service laterals including curb cuts or fills required to accommodate the new dwellings on the said lands, as determined by the General Manager/City Engineer, to be paid, prior to the issuance of any building permit for the new dwellings. The Owner further agrees to pay the actual cost of constructing sanitary, storm and water service laterals including curb cuts and fill required and shall pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the Owner without interest. In the event that the construction of sanitary, storm and water service laterals including curb cuts or curb fill required are not completed within three (3) months of the issuance of the building permit for the new dwellings, the City reserves the right to re-estimate the cost of constructing sanitary, storm and water service laterals including curb cuts or curb fills and further, in this event, the Owner shall forthwith forward to the City any increase in cost resulting from the re-estimate of the cost of constructing sanitary, storm and water service laterals including curb cuts or curb fills required.



7. The owner agrees to construct the new dwellings on the said lands at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
8. The owner shall be responsible for the actual cost of the construction of the new driveway entrances for the new dwellings. The Owner shall pay to the City, the City's estimated cost of the construction of the new driveway entrances, as determined by the General Manager/City Engineer, prior to the issuance of any building permit. Upon completion of accounting, the Owner agrees to pay the full amount by which the actual costs exceeds the estimated cost within thirty (30) days of receipt of an invoice by the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the Owner without interest. In the event that the construction of the new driveway entrances and required curb cuts and/or curb fills are not completed within three (3) months of the issuance of the building permit, the City reserves the right to re-estimate the cost of constructing the new driveway entrances and required curb cut and/or curb fills, and further in this event, the Owner shall forthwith forward to the City any increase in cost resulting from the re-estimate of the cost of constructing the new driveway entrances and the required curb cut and/or curb fills.
9. The Owner agrees to submit a grading and drainage plan for the said lands, to be approved by the General Manager/City Engineer, prior to the issuance of any building permit for the new dwellings. The Owner agrees to grade and drain the said lands in accordance with the approved plan.
10. The Owner agrees to pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the new dwellings on the said lands, prior to the issuance of a building permit for any new dwelling.
11. The Owner agrees that any domestic wells, septic systems and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer, prior to issuance of any building permit for the new dwellings.
12. The Owner agrees to make arrangements for the provision of underground hydro servicing to the said lands as well as provisions for any easements and/or rights-of-way for their plants, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc., prior to issuance of any building permit for the new dwellings. The servicing costs would be at the owner's expense.
13. The Owner agrees to notify all purchasers that sump pumps will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot

- in accordance with a design by a Professional Engineer. Furthermore, the Developer shall ensure that all sump pumps are discharged to the rear yard and the Developer shall notify all purchasers that the discharge shall be to the rear yard.
14. That prior to building or endorsation of the deed, the applicant makes arrangement for the hydro servicing to the severed parcels, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
  15. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
  16. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to October 11, 2014.
  17. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
  18. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
  19. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

Application B-56/13

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 C. Downer and seconded by L. McNair,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 10, Concession 8 and Part of Block 175, Registered Plan 61M-143, being parts 8 and 16, Reference Plan 61R-10932, to be municipally known as 195 Goodwin Drive, a parcel with a frontage of 9.2 metres and a depth of 32 metres, be approved,

subject to the following conditions:

1. That the applicant shall pay to the City cash-in-lieu of parkland dedication in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545 and By-law (2007)-18225, or any successor thereof prior to the issuance of any building permit, at the rate in effect at the time of the issuance of any building permit.
2. That prior to the issuance of a building permit, the applicant agrees to plant a tree in the rear yard of each property for detached dwellings to the satisfaction of the General Manager of Planning Services to compensate for tree removal.
3. Prior to the issuance of building permits, the owner agrees that the new single detached dwelling units will be constructed to an ENERGY STAR standard that promotes energy efficiency standards to comply with the City’s Community Energy Plan.
4. That applicant shall pay to the City, the City’s total cost of reproduction and distribution of the Guelph Residents’ Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City, prior to the issuance of any building permit for the new dwellings.
5. The Owner agrees to pay to the City, as determined applicable by the City’s Director of Finance development charges and education development charges to the City for the new dwellings in accordance with By-law Number (2009)-18729, as amended from time to time, or any successor thereof and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic School Board as amended from time to time, or any successor by-laws thereof; prior to issuance of any building permit, at the rate in effect at the time of the issuance of a building permit.
6. The Owner shall pay to the City the estimated cost of constructing sanitary, storm and water service laterals including curb cuts or fills required to accommodate the new dwellings on the said lands, as determined by the General Manager/City Engineer, to be paid, prior to the issuance of any building permit for the new dwellings. The Owner further agrees to pay the actual cost of constructing sanitary,

- storm and water service laterals including curb cuts and fill required and shall pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the Owner without interest. In the event that the construction of sanitary, storm and water service laterals including curb cuts or curb fill required are not completed within three (3) months of the issuance of the building permit for the new dwellings, the City reserves the right to re-estimate the cost of constructing sanitary, storm and water service laterals including curb cuts or curb fills and further, in this event, the Owner shall forthwith forward to the City any increase in cost resulting from the re-estimate of the cost of constructing sanitary, storm and water service laterals including curb cuts or curb fills required.
7. The owner agrees to construct the new dwellings on the said lands at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
  8. The owner shall be responsible for the actual cost of the construction of the new driveway entrances for the new dwellings. The Owner shall pay to the City, the City's estimated cost of the construction of the new driveway entrances, as determined by the General Manager/City Engineer, prior to the issuance of any building permit. Upon completion of accounting, the Owner agrees to pay the full amount by which the actual costs exceeds the estimated cost within thirty (30) days of receipt of an invoice by the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the Owner without interest. In the event that the construction of the new driveway entrances and required curb cuts and/or curb fills are not completed within three (3) months of the issuance of the building permit, the City reserves the right to re-estimate the cost of constructing the new driveway entrances and required curb cut and/or curb fills, and further in this event, the Owner shall forthwith forward to the City any increase in cost resulting from the re-estimate of the cost of constructing the new driveway entrances and the required curb cut and/or curb fills.
  9. The Owner agrees to submit a grading and drainage plan for the said lands, to be approved by the General Manager/City Engineer, prior to the issuance of any building permit for the new dwellings. The Owner agrees to grade and drain the said lands in accordance with the approved plan.
  10. The Owner agrees to pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the new dwellings on the said lands, prior to the issuance of a building permit for any new dwelling.

11. The Owner agrees that any domestic wells, septic systems and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer, prior to issuance of any building permit for the new dwellings.
12. The Owner agrees to make arrangements for the provision of underground hydro servicing to the said lands as well as provisions for any easements and/or rights-of-way for their plants, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc., prior to issuance of any building permit for the new dwellings. The servicing costs would be at the owner's expense.
13. The Owner agrees to notify all purchasers that sump pumps will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a design by a Professional Engineer. Furthermore, the Developer shall ensure that all sump pumps are discharged to the rear yard and the Developer shall notify all purchasers that the discharge shall be to the rear yard.
14. That prior to building or endorsation of the deed, the applicant makes arrangement for the hydro servicing to the severed parcels, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
15. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
16. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to October 11, 2014.
17. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
18. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
19. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the

draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk.”

Carried

Application B-57/13

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 C. Downer and seconded by L. McNair,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 10, Concession 8 and Part of Block 175, Registered Plan 61M-143, being parts 9 and 17, Reference Plan 61R-10932, to be municipally known as 197 Goodwin Drive, a parcel with a frontage of 9.2 metres and a depth of 32 metres, be approved,

subject to the following conditions:

1. That the applicant shall pay to the City cash-in-lieu of parkland dedication in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545 and By-law (2007)-18225, or any successor thereof prior to the issuance of any building permit, at the rate in effect at the time of the issuance of any building permit.
2. That prior to the issuance of a building permit, the applicant agrees to plant a tree in the rear yard of each property for detached dwellings to the satisfaction of the General Manager of Planning Services to compensate for tree removal.
3. Prior to the issuance of building permits, the owner agrees that the new single detached dwelling units will be constructed to an ENERGY STAR standard that promotes energy efficiency standards to comply with the City’s Community Energy Plan.
4. That applicant shall pay to the City, the City’s total cost of reproduction and distribution of the Guelph Residents’ Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City, prior to the issuance of any building permit for the new dwellings.

5. The Owner agrees to pay to the City, as determined applicable by the City's Director of Finance development charges and education development charges to the City for the new dwellings in accordance with By-law Number (2009)-18729, as amended from time to time, or any successor thereof and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic School Board as amended from time to time, or any successor by-laws thereof; prior to issuance of any building permit, at the rate in effect at the time of the issuance of a building permit.
6. The Owner shall pay to the City the estimated cost of constructing sanitary, storm and water service laterals including curb cuts or fills required to accommodate the new dwellings on the said lands, as determined by the General Manager/City Engineer, to be paid, prior to the issuance of any building permit for the new dwellings. The Owner further agrees to pay the actual cost of constructing sanitary, storm and water service laterals including curb cuts and fill required and shall pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the Owner without interest. In the event that the construction of sanitary, storm and water service laterals including curb cuts or curb fill required are not completed within three (3) months of the issuance of the building permit for the new dwellings, the City reserves the right to re-estimate the cost of constructing sanitary, storm and water service laterals including curb cuts or curb fills and further, in this event, the Owner shall forthwith forward to the City any increase in cost resulting from the re-estimate of the cost of constructing sanitary, storm and water service laterals including curb cuts or curb fills required.
7. The owner agrees to construct the new dwellings on the said lands at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
8. The owner shall be responsible for the actual cost of the construction of the new driveway entrances for the new dwellings. The Owner shall pay to the City, the City's estimated cost of the construction of the new driveway entrances, as determined by the General Manager/City Engineer, prior to the issuance of any building permit. Upon completion of accounting, the Owner agrees to pay the full amount by which the actual costs exceeds the estimated cost within thirty (30) days of receipt of an invoice by the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the Owner without interest. In the event that the construction of the new driveway entrances and required curb cuts and/or curb fills are not completed within three (3) months of the issuance of the building permit, the City reserves the right to re-estimate the cost of constructing the new driveway entrances and

- required curb cut and/or curb fills, and further in this event, the Owner shall forthwith forward to the City any increase in cost resulting from the re-estimate of the cost of constructing the new driveway entrances and the required curb cut and/or curb fills.
9. The Owner agrees to submit a grading and drainage plan for the said lands, to be approved by the General Manager/City Engineer, prior to the issuance of any building permit for the new dwellings. The Owner agrees to grade and drain the said lands in accordance with the approved plan.
  10. The Owner agrees to pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the new dwellings on the said lands, prior to the issuance of a building permit for any new dwelling.
  11. The Owner agrees that any domestic wells, septic systems and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer, prior to issuance of any building permit for the new dwellings.
  12. The Owner agrees to make arrangements for the provision of underground hydro servicing to the said lands as well as provisions for any easements and/or rights-of-way for their plants, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc., prior to issuance of any building permit for the new dwellings. The servicing costs would be at the owner's expense.
  13. The Owner agrees to notify all purchasers that sump pumps will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a design by a Professional Engineer. Furthermore, the Developer shall ensure that all sump pumps are discharged to the rear yard and the Developer shall notify all purchasers that the discharge shall be to the rear yard.
  14. That prior to building or endorsement of the deed, the applicant makes arrangement for the hydro servicing to the severed parcels, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
  15. That prior to the endorsement of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
  16. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to October 11, 2014.



17. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
18. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
19. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

Application B-58/13

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 C. Downer and seconded by L. McNair,

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 10, Concession 8 and Part of Block 175, Registered Plan 61M-143, being parts 10 and 18, Reference Plan 61R-10932, to be municipally known as 199 Goodwin Drive, a parcel with a frontage of 9.2 metres and a depth of 32 metres, be approved,

subject to the following conditions:

1. That the applicant shall pay to the City cash-in-lieu of parkland dedication in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545 and By-law (2007)-18225, or any successor thereof prior to the issuance of any building permit, at the rate in effect at the time of the issuance of any building permit.

2. That prior to the issuance of a building permit, the applicant agrees to plant a tree in the rear yard of each property for detached dwellings to the satisfaction of the General Manager of Planning Services to compensate for tree removal.
3. Prior to the issuance of building permits, the owner agrees that the new single detached dwelling units will be constructed to an ENERGY STAR standard that promotes energy efficiency standards to comply with the City's Community Energy Plan.
4. That applicant shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City, prior to the issuance of any building permit for the new dwellings.
5. The Owner agrees to pay to the City, as determined applicable by the City's Director of Finance development charges and education development charges to the City for the new dwellings in accordance with By-law Number (2009)-18729, as amended from time to time, or any successor thereof and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic School Board as amended from time to time, or any successor by-laws thereof; prior to issuance of any building permit, at the rate in effect at the time of the issuance of a building permit.
6. The Owner shall pay to the City the estimated cost of constructing sanitary, storm and water service laterals including curb cuts or fills required to accommodate the new dwellings on the said lands, as determined by the General Manager/City Engineer, to be paid, prior to the issuance of any building permit for the new dwellings. The Owner further agrees to pay the actual cost of constructing sanitary, storm and water service laterals including curb cuts and fill required and shall pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the Owner without interest. In the event that the construction of sanitary, storm and water service laterals including curb cuts or curb fill required are not completed within three (3) months of the issuance of the building permit for the new dwellings, the City reserves the right to re-estimate the cost of constructing sanitary, storm and water service laterals including curb cuts or curb fills and further, in this event, the Owner shall forthwith forward to the City any increase in cost resulting from the re-estimate of the cost of constructing sanitary, storm and water service laterals including curb cuts or curb fills required.

7. The owner agrees to construct the new dwellings on the said lands at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
8. The owner shall be responsible for the actual cost of the construction of the new driveway entrances for the new dwellings. The Owner shall pay to the City, the City's estimated cost of the construction of the new driveway entrances, as determined by the General Manager/City Engineer, prior to the issuance of any building permit. Upon completion of accounting, the Owner agrees to pay the full amount by which the actual costs exceeds the estimated cost within thirty (30) days of receipt of an invoice by the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the Owner without interest. In the event that the construction of the new driveway entrances and required curb cuts and/or curb fills are not completed within three (3) months of the issuance of the building permit, the City reserves the right to re-estimate the cost of constructing the new driveway entrances and required curb cut and/or curb fills, and further in this event, the Owner shall forthwith forward to the City any increase in cost resulting from the re-estimate of the cost of constructing the new driveway entrances and the required curb cut and/or curb fills.
9. The Owner agrees to submit a grading and drainage plan for the said lands, to be approved by the General Manager/City Engineer, prior to the issuance of any building permit for the new dwellings. The Owner agrees to grade and drain the said lands in accordance with the approved plan.
10. The Owner agrees to pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the new dwellings on the said lands, prior to the issuance of a building permit for any new dwelling.
11. The Owner agrees that any domestic wells, septic systems and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer, prior to issuance of any building permit for the new dwellings.
12. The Owner agrees to make arrangements for the provision of underground hydro servicing to the said lands as well as provisions for any easements and/or rights-of-way for their plants, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc., prior to issuance of any building permit for the new dwellings. The servicing costs would be at the owner's expense.
13. The Owner agrees to notify all purchasers that sump pumps will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot

- in accordance with a design by a Professional Engineer. Furthermore, the Developer shall ensure that all sump pumps are discharged to the rear yard and the Developer shall notify all purchasers that the discharge shall be to the rear yard.
14. That prior to building or endorsation of the deed, the applicant makes arrangement for the hydro servicing to the severed parcels, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
  15. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
  16. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to October 11, 2014.
  17. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
  18. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
  19. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

Application B-59/13

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 C. Downer and seconded by L. McNair,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 10, Concession 8 and Part of Block 175, Registered Plan 61M-143, being parts 1 and 4, Reference Plan 61R-20148, to be municipally known as 201 Goodwin Drive, a parcel with a frontage of 9.2 metres and a depth of 32 metres, be approved,

subject to the following conditions:

1. That the applicant shall pay to the City cash-in-lieu of parkland dedication in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545 and By-law (2007)-18225, or any successor thereof prior to the issuance of any building permit, at the rate in effect at the time of the issuance of any building permit.
2. That prior to the issuance of a building permit, the applicant agrees to plant a tree in the rear yard of each property for detached dwellings to the satisfaction of the General Manager of Planning Services to compensate for tree removal.
3. Prior to the issuance of building permits, the owner agrees that the new single detached dwelling units will be constructed to an ENERGY STAR standard that promotes energy efficiency standards to comply with the City’s Community Energy Plan.
4. That applicant shall pay to the City, the City’s total cost of reproduction and distribution of the Guelph Residents’ Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City, prior to the issuance of any building permit for the new dwellings.
5. The Owner agrees to pay to the City, as determined applicable by the City’s Director of Finance development charges and education development charges to the City for the new dwellings in accordance with By-law Number (2009)-18729, as amended from time to time, or any successor thereof and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic School Board as amended from time to time, or any successor by-laws thereof; prior to issuance of any building permit, at the rate in effect at the time of the issuance of a building permit.
6. The Owner shall pay to the City the estimated cost of constructing sanitary, storm and water service laterals including curb cuts or fills required to accommodate the new dwellings on the said lands, as determined by the General Manager/City Engineer, to be paid, prior to the issuance of any building permit for the new dwellings. The Owner further agrees to pay the actual cost of constructing sanitary,

- storm and water service laterals including curb cuts and fill required and shall pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the Owner without interest. In the event that the construction of sanitary, storm and water service laterals including curb cuts or curb fill required are not completed within three (3) months of the issuance of the building permit for the new dwellings, the City reserves the right to re-estimate the cost of constructing sanitary, storm and water service laterals including curb cuts or curb fills and further, in this event, the Owner shall forthwith forward to the City any increase in cost resulting from the re-estimate of the cost of constructing sanitary, storm and water service laterals including curb cuts or curb fills required.
7. The owner agrees to construct the new dwellings on the said lands at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
  8. The owner shall be responsible for the actual cost of the construction of the new driveway entrances for the new dwellings. The Owner shall pay to the City, the City's estimated cost of the construction of the new driveway entrances, as determined by the General Manager/City Engineer, prior to the issuance of any building permit. Upon completion of accounting, the Owner agrees to pay the full amount by which the actual costs exceeds the estimated cost within thirty (30) days of receipt of an invoice by the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the Owner without interest. In the event that the construction of the new driveway entrances and required curb cuts and/or curb fills are not completed within three (3) months of the issuance of the building permit, the City reserves the right to re-estimate the cost of constructing the new driveway entrances and required curb cut and/or curb fills, and further in this event, the Owner shall forthwith forward to the City any increase in cost resulting from the re-estimate of the cost of constructing the new driveway entrances and the required curb cut and/or curb fills.
  9. The Owner agrees to submit a grading and drainage plan for the said lands, to be approved by the General Manager/City Engineer, prior to the issuance of any building permit for the new dwellings. The Owner agrees to grade and drain the said lands in accordance with the approved plan.
  10. The Owner agrees to pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the new dwellings on the said lands, prior to the issuance of a building permit for any new dwelling.

11. The Owner agrees that any domestic wells, septic systems and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer, prior to issuance of any building permit for the new dwellings.
12. The Owner agrees to make arrangements for the provision of underground hydro servicing to the said lands as well as provisions for any easements and/or rights-of-way for their plants, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc., prior to issuance of any building permit for the new dwellings. The servicing costs would be at the owner's expense.
13. The Owner agrees to notify all purchasers that sump pumps will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a design by a Professional Engineer. Furthermore, the Developer shall ensure that all sump pumps are discharged to the rear yard and the Developer shall notify all purchasers that the discharge shall be to the rear yard.
14. That prior to building or endorsation of the deed, the applicant makes arrangement for the hydro servicing to the severed parcels, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
15. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
16. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to October 11, 2014.
17. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
18. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
19. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the

draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk.”

Carried

Application B-60/13

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 C. Downer and seconded by L. McNair,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 10, Concession 8 and Part of Block 175, Registered Plan 61M-143, being parts 2 and 5, Reference Plan 61R-20148, to be municipally known as 203 Goodwin Drive, a parcel with a frontage of 11 metres and a depth of 32 metres, be approved,

subject to the following conditions:

1. That the applicant shall pay to the City cash-in-lieu of parkland dedication in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545 and By-law (2007)-18225, or any successor thereof prior to the issuance of any building permit, at the rate in effect at the time of the issuance of any building permit.
2. That prior to the issuance of a building permit, the applicant agrees to plant a tree in the rear yard of each property for detached dwellings to the satisfaction of the General Manager of Planning Services to compensate for tree removal.
3. Prior to the issuance of building permits, the owner agrees that the new single detached dwelling units will be constructed to an ENERGY STAR standard that promotes energy efficiency standards to comply with the City’s Community Energy Plan.
4. That applicant shall pay to the City, the City’s total cost of reproduction and distribution of the Guelph Residents’ Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City, prior to the issuance of any building permit for the new dwellings.



5. The Owner agrees to pay to the City, as determined applicable by the City's Director of Finance development charges and education development charges to the City for the new dwellings in accordance with By-law Number (2009)-18729, as amended from time to time, or any successor thereof and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic School Board as amended from time to time, or any successor by-laws thereof; prior to issuance of any building permit, at the rate in effect at the time of the issuance of a building permit.
6. The Owner shall pay to the City the estimated cost of constructing sanitary, storm and water service laterals including curb cuts or fills required to accommodate the new dwellings on the said lands, as determined by the General Manager/City Engineer, to be paid, prior to the issuance of any building permit for the new dwellings. The Owner further agrees to pay the actual cost of constructing sanitary, storm and water service laterals including curb cuts and fill required and shall pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the Owner without interest. In the event that the construction of sanitary, storm and water service laterals including curb cuts or curb fill required are not completed within three (3) months of the issuance of the building permit for the new dwellings, the City reserves the right to re-estimate the cost of constructing sanitary, storm and water service laterals including curb cuts or curb fills and further, in this event, the Owner shall forthwith forward to the City any increase in cost resulting from the re-estimate of the cost of constructing sanitary, storm and water service laterals including curb cuts or curb fills required.
7. The owner agrees to construct the new dwellings on the said lands at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
8. The owner shall be responsible for the actual cost of the construction of the new driveway entrances for the new dwellings. The Owner shall pay to the City, the City's estimated cost of the construction of the new driveway entrances, as determined by the General Manager/City Engineer, prior to the issuance of any building permit. Upon completion of accounting, the Owner agrees to pay the full amount by which the actual costs exceeds the estimated cost within thirty (30) days of receipt of an invoice by the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the Owner without interest. In the event that the construction of the new driveway entrances and required curb cuts and/or curb fills are not completed within three (3) months of the issuance of the building permit, the City reserves the right to re-estimate the cost of constructing the new driveway entrances and required curb cut and/or curb fills, and further in this event, the Owner shall

- forthwith forward to the City any increase in cost resulting from the re-estimate of the cost of constructing the new driveway entrances and the required curb cut and/or curb fills.
9. The Owner agrees to submit a grading and drainage plan for the said lands, to be approved by the General Manager/City Engineer, prior to the issuance of any building permit for the new dwellings. The Owner agrees to grade and drain the said lands in accordance with the approved plan.
  10. The Owner agrees to pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the new dwellings on the said lands, prior to the issuance of a building permit for any new dwelling.
  11. The Owner agrees that any domestic wells, septic systems and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer, prior to issuance of any building permit for the new dwellings.
  12. The Owner agrees to make arrangements for the provision of underground hydro servicing to the said lands as well as provisions for any easements and/or rights-of-way for their plants, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc., prior to issuance of any building permit for the new dwellings. The servicing costs would be at the owner's expense.
  13. The Owner agrees to notify all purchasers that sump pumps will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a design by a Professional Engineer. Furthermore, the Developer shall ensure that all sump pumps are discharged to the rear yard and the Developer shall notify all purchasers that the discharge shall be to the rear yard.
  14. That prior to building or endorsation of the deed, the applicant makes arrangement for the hydro servicing to the severed parcels, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
  15. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
  16. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to October 11, 2014.

17. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
18. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
19. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

Application B-61/13

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 C. Downer and seconded by L. McNair,

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 10, Concession 8 and Part of Block 175, Registered Plan 61M-143, being parts 3 and 3, Reference Plan 61R-20148, to be municipally known as 205 Goodwin Drive, a parcel with a frontage of 12.3 metres and a depth of 32 metres, be approved,

subject to the following conditions:

1. That the applicant shall pay to the City cash-in-lieu of parkland dedication in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545 and By-law (2007)-18225, or any successor thereof prior to the issuance of any building permit, at the rate in effect at the time of the issuance of any building permit.

2. That prior to the issuance of a building permit, the applicant agrees to plant a tree in the rear yard of each property for detached dwellings to the satisfaction of the General Manager of Planning Services to compensate for tree removal.
3. Prior to the issuance of building permits, the owner agrees that the new single detached dwelling units will be constructed to an ENERGY STAR standard that promotes energy efficiency standards to comply with the City's Community Energy Plan.
4. That applicant shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City, prior to the issuance of any building permit for the new dwellings.
5. The Owner agrees to pay to the City, as determined applicable by the City's Director of Finance development charges and education development charges to the City for the new dwellings in accordance with By-law Number (2009)-18729, as amended from time to time, or any successor thereof and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic School Board as amended from time to time, or any successor by-laws thereof; prior to issuance of any building permit, at the rate in effect at the time of the issuance of a building permit.
6. The Owner shall pay to the City the estimated cost of constructing sanitary, storm and water service laterals including curb cuts or fills required to accommodate the new dwellings on the said lands, as determined by the General Manager/City Engineer, to be paid, prior to the issuance of any building permit for the new dwellings. The Owner further agrees to pay the actual cost of constructing sanitary, storm and water service laterals including curb cuts and fill required and shall pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the Owner without interest. In the event that the construction of sanitary, storm and water service laterals including curb cuts or curb fill required are not completed within three (3) months of the issuance of the building permit for the new dwellings, the City reserves the right to re-estimate the cost of constructing sanitary, storm and water service laterals including curb cuts or curb fills and further, in this event, the Owner shall forthwith forward to the City any increase in cost resulting from the re-estimate of the cost of constructing sanitary, storm and water service laterals including curb cuts or curb fills required.

7. The owner agrees to construct the new dwellings on the said lands at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
8. The owner shall be responsible for the actual cost of the construction of the new driveway entrances for the new dwellings. The Owner shall pay to the City, the City's estimated cost of the construction of the new driveway entrances, as determined by the General Manager/City Engineer, prior to the issuance of any building permit. Upon completion of accounting, the Owner agrees to pay the full amount by which the actual costs exceeds the estimated cost within thirty (30) days of receipt of an invoice by the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the Owner without interest. In the event that the construction of the new driveway entrances and required curb cuts and/or curb fills are not completed within three (3) months of the issuance of the building permit, the City reserves the right to re-estimate the cost of constructing the new driveway entrances and required curb cut and/or curb fills, and further in this event, the Owner shall forthwith forward to the City any increase in cost resulting from the re-estimate of the cost of constructing the new driveway entrances and the required curb cut and/or curb fills.
9. The Owner agrees to submit a grading and drainage plan for the said lands, to be approved by the General Manager/City Engineer, prior to the issuance of any building permit for the new dwellings. The Owner agrees to grade and drain the said lands in accordance with the approved plan.
10. The Owner agrees to pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the new dwellings on the said lands, prior to the issuance of a building permit for any new dwelling.
11. The Owner agrees that any domestic wells, septic systems and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer, prior to issuance of any building permit for the new dwellings.
12. The Owner agrees to make arrangements for the provision of underground hydro servicing to the said lands as well as provisions for any easements and/or rights-of-way for their plants, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc., prior to issuance of any building permit for the new dwellings. The servicing costs would be at the owner's expense.
13. The Owner agrees to notify all purchasers that sump pumps will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot

in accordance with a design by a Professional Engineer. Furthermore, the Developer shall ensure that all sump pumps are discharged to the rear yard and the Developer shall notify all purchasers that the discharge shall be to the rear yard.

14. That prior to building or endorsation of the deed, the applicant makes arrangement for the hydro servicing to the severed parcels, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
15. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
16. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to October 11, 2014.
17. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
18. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
19. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

Carried

A general discussion took place between the Committee members regarding the request for a refund of the application fees and the costs for processing the applications.

Consideration of Refund of the Application Fees for Applications B-52/13 – B-61/13

Moved by L. McNair and seconded by C. Downer,

"THAT an application fee of \$1,225.00 be payable for Applications B-52/13 to B-61/13 resulting in an application fee refund of \$11,025.00"

October 8, 2013 C of A Minutes

Committee member L. McNair moved to adjourn the meeting.

The meeting adjourned at 7:00 p.m.

R. Funnell  
Chair

Minna Bunnett, ACST(A)  
Acting Secretary Treasurer

**COMMITTEE OF ADJUSTMENT**

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday November 12, 2013 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell, Chair  
J. Hillen  
B. Birdsell  
C. Downer  
L. McNair

Regrets: A. Diamond  
D. Kelly

Staff Present: M. Witmer, Planner  
M. Bunnett, Acting Secretary-Treasurer

Declarations of Pecuniary Interest

Committee member B. Birdsell declared a pecuniary interest with Application A-129/13 as the applicant is a client.

Meeting Minutes

Moved by L. McNair and seconded by C. Downer,

“THAT the Minutes from the October 8, 2013 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

Other Business

The Acting Secretary-Treasurer advised she received an appeal from the owner of 16 Whispering Ridge Drive and 92 Harvard Road against the Committee’s decision of refusal. She advised that the file has been sent to Ontario Municipal Board.

The Acting Secretary-Treasurer advised she received an appeal from the legal representative of 8 Terrace Lane against the Committee’s decision of refusal. She advised that the file has been sent to Ontario Municipal Board.



The Acting Secretary-Treasurer advised she received an appeal from the owner of 211 Arthur Street North against the Committee's condition of the approval pertaining to limiting the variance to the current owner only. She advised that the file has been sent to Ontario Municipal Board.

The Acting Secretary-Treasurer advised that an Ontario Municipal Board hearing date has been scheduled for application A-4/12 for 553 Edinburgh Road South. She advised that the hearing is taking place on Monday, January 20, 2014 at 11:00 a.m. at meeting room 112 at the City Hall.

The Acting Secretary-Treasurer advised that an Ontario Municipal Board hearing date has been scheduled for application A-75/13 for 12 Wyndham Street North. She advised that the hearing is taking place on Wednesday, March 12, 2014 at 10:00 a.m. at meeting room 112 at the City Hall.

The Acting Secretary-Treasurer advised that a written request for a refund in the application fees for 8 Terrace Lane has been received from the property owner. The Committee members reviewed a letter received from the property owner.

Moved by L. McNair and seconded by C. Downer,

"THAT no action be taken on the request for a full refund on the application fees for Application A-114/13, 8 Terrace Lane."

Having declared a pecuniary interest for the next application, A-129/13, Committee member B. Birdsell left the meeting room at 4:10 p.m.

**Application:**            **A-129/13**

**Owner:**                 **Heffner Investments Ltd.**

**Agent:**                 **Wellington Ortho & Rehab Associates; Shane Mabey**

**Location:**             **86 Dawson Road**

**In Attendance:**       **Shane Mabey**

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Mabey replied the sign was posted and the staff comments were received. He explained that the 77 parking spaces available were allocated to what was previously at the plaza but two tenants are leaving. He commented that the number of practitioners could possibly be

increased since the parking demand will be different due to the medical clinic occupying most of the building.

Committee member L. McNair commented that 77 parking spaces will be required for the tenants and for the expanding medical clinic.

Mr. S. Mabey questioned whether the parking requirement was calculated for the previous tenants. He pointed out that there are only 4 tenants in the plaza.

Planner M. Witmer replied that the building is considered to be a mall which has its own parking regulations and is based on the square footage of the building.

Mr. S. Mabey commented that things might change in the future and staff proposes to limit the practitioners to 10.

Committee member L. McNair reiterated that the 77 parking spaces are left for other tenants in the building.

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. McNair and seconded by J. Hillen,

“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 6.4.3.1.5.1 of Zoning By-law (1995)-14864, as amended, for 86 Dawson Road, to permit a medical clinic when the By-law permits a variety of service commercial uses on the property but does not permit a medical clinic, be approved, subject to the following condition:

1. The maximum number of medical practitioners on-site at any time shall be 10.”

Carried

Committee member B. Birdsell was summoned back to the meeting room at 4:16 p.m.

**Application:** A-128/13

**Owner:** H MV Holdings Inc.

**Agent:** Norlon Builders London Ltd.; Mitch Vermue

**Location:** 545 Silvercreek Parkway North

**In Attendance:** Mitch Vermue  
Henry Van Minnen  
Pat Van Minnen

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. M. Vermue replied that the sign was posted and the staff comments were received. He explained that the current use of the property is not changing and they have been in operation since 1991 with the current parking requirements.

Committee member L. McNair questioned whether the property will become legal non-conforming with the approval of the application.

Planner M. Witmer replied that the use is conforming to the by-law which will not create a legal non-conforming status. He explained that the use is permitted in a mall and an approved variance would permit the use once the mall does not exist.

There were no further questions from the members of the Committee.

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 B. Birdsell and seconded by C. Downer,

“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 7.1.3, 7.1.3.1 and 4.13.4.2 of Zoning By-law (1995)-14864, as amended, for 545 Silvercreek Parkway North, to eliminate a second unit (mall),

- a) to permit the display and retail sales of appliances, furniture and other household furnishings, hardware and home improvement materials and to permit industrial of construction equipment rental or sales firm in a freestanding building (not in a mall) when the By-law permits the uses only within a mall, and
- b) to permit 88 off-street parking spaces when the By-law requires that one off-street parking space be provided for every 20 square metres of gross floor area (121 in total),

be approved.”

Carried

**Application:** B-62/13, A-126/13 and A-127/13  
**Owner:** Louis Tonin  
**Agent:** VanHarten Surveying Inc.; Jeff Buisman  
**Location:** 17 and 19 Industrial Street  
**In Attendance:** Jeff Buisman  
Louis Tonin

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. Buisman replied the signs were posted and the staff comments were received. He explained that the two properties were bought independently in the 1970's and they have since merged in title.

Committee member L. McNair questioned whether cars could be driven from the left side of the building to use some of the backyard for parking.

Mr. J. Hillen replied that sometimes this occurs but the vehicles do not have much room.

There were no further questions from the members of the Committee.

Application B-62/13

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

Moved by L. McNair and seconded by B. Birdsell,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part Lot 16, Registered Plan 396, municipally known as 17 Industrial Street, as described in a severance sketch prepared by Van Harten Surveying Inc., dated October 11, 2013, project no. 21555-13, a parcel

with a frontage along Industrial of 16.5 metres and a depth of 33.5 metres, be approved, subject to the following conditions:

1. That prior to endorsation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying any conveyances.
2. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to November 15, 2014.
3. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
4. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
5. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk."

#### Application A-126/13

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. McNair and seconded by B. Birdsell,

"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 4.13.4.2, 4.13.2.4.2, 4.13.2.4.1 and 4.13.3.1, Table 7.3 Rows 2 and 4 of Zoning By-law (1995)-14864, as amended, for 19 Industrial Street,

- a) to permit three off-street parking spaces when the By-law requires one parking space per 14 m<sup>2</sup> of gross floor area (11 spaces required total),
- b) to permit no screening from the street to be provided when the By-law requires the parking area to be screened from view of any street with suitable landscaping consisting of sod, trees, shrubbery or berms,
- c) to permit a lot frontage of 15.7 metres when the By-law requires a minimum lot frontage of 30 metres,
- d) to permit a right side yard of 2.6 metres when the By-law requires a minimum side yard of 3 metres,
- e) to permit ingress in egress to and from the street in a backward motion when the By-law requires that every off-street parking area shall be provided with adequate means of ingress and egress to and from a street in a forward motion only, and,
- f) to permit the off-street parking spaces to be within 1.6 metres off a street line when the By-law requires that in no case shall the parking area be within 3 metres off a street line,

be approved, subject to the following condition:

1. That the conditions imposed for Application B-62/13 be and form part of this approval.”

Application A-127/13

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. McNair and seconded by B. Birdsell,

“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 Rows 2 and 4 of Zoning By-law (1995)-14864, as amended, for 17 Industrial Street,

- a) to permit a lot frontage of 16.5 metres when the By-law requires a minimum lot frontage of 30 metres, and,
- b) to permit a left side yard of 2.4 metres when the By-law requires a minimum side yard of 3 metres,

be approved, subject to the following condition:

November 12, 2013 C of A Minutes

1. That the conditions imposed for Application B-62/13 be and form part of this approval.”

Carried

The meeting adjourned at 4:40 p.m.

R. Funnell  
Chair

Minna Bunnett, ACST(A)  
Acting Secretary Treasurer

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday December 10, 2013 at 3:00 p.m. in Meeting Room 112, City Hall, with the following members present:

D. Kelly, Chair  
R. Funnell, Vice-Chair  
J. Hillen (from 5:06 p.m.)  
C. Downer  
L. McNair

Regrets: B. Birdsell

Staff Present: M. Witmer, Planner  
M. Bunnett, Acting Secretary-Treasurer

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Meeting Minutes

Moved by R. Funnell and seconded by C. Downer,

“THAT the Minutes from the November 12, 2013 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

The Acting Secretary-Treasurer advised that the decision was received from the Ontario Municipal Board for Application A-35/12 for 7 Crawford Street. She noted the appeal from the owner was allowed and the variance sought was authorized.

The Acting Secretary-Treasurer advised that an Ontario Municipal Board hearing has been scheduled for Application A-114/13 at 8 Terrace Lane. The appeal will be heard on Wednesday January 22, 2014 at Provincial Offences Court, Court Room 3 at 59 Carden Street. The application was for shed setback in the rear yard which was refused by the Committee.



The Acting Secretary-Treasurer advised that an Ontario Municipal Board hearing has been scheduled for Applications A-115/13 at 16 Whispering Ridge Drive and A-116/13 at 92 Harvard Road. The appeals will be heard on Tuesday March 18, 2014 at meeting room 112 at City Hall. The applications were both for separation distances for lodging houses which were refused by the Committee.

The Acting Secretary-Treasurer advised that an Ontario Municipal Board hearing has been scheduled for Application A-118/13 at 211 Arthur Street North. The appeal will be heard on Wednesday March 19, 2014 at meeting room 112 at City Hall. The application was for off-street parking which was approved by the Committee. The owner appealed the condition imposed which limited the approval of the minor variance to the current ownership only.

Committee member R. Funnell requested that the Acting Secretary-Treasurer report back to the Committee members on a trend regarding type of appeals received and sent to the Ontario Municipal Board.

Committee member C. Downer requested a follow-up regarding an application for 12 Wyndham Street North regarding the increase in the capacity of a licensed establishment. She questioned whether there will be an updated study being done regarding restaurants in the downtown area. She noted that this would assist the Committee if a similar application should return.

**Application:**                **A-133/13**

**Owner:**                       **Karnig Mann Ltd.**

**Agent:**                       **CitySpace Real Estate Inc., Laurence Himel**

**Location:**                 **389 Woodlawn Road West**

**In Attendance:**       **Jim Mairs**  
                                  **Laurel Himel**  
                                  **Murray Taylor**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. L. Himel replied they posted the sign and the staff comments were received. He explained that the property owners would like to expand the potential use of the building for the purpose of leasing it and they are targeting the call centre market. He commented that this proposal would be good for the City of Guelph, the property owners and it would create more jobs.

There were no questions from the members of the Committee.

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. McNair and seconded by C. Downer,

“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 6.4.3.2.2.1 of Zoning By-law (1995)-14864, as amended, for 389 Woodlawn Road West, to permit an Office in a stand-alone building when the By-law permits an Office only within a mall (two or more units), be approved,

subject to the following condition:

1. The property owner apply for and receive site plan approval to add additional off-street parking to support an office use in accordance with Section 4.13 of the Zoning By-law, prior to the issuance of any building permits.”

Carried

**Application:** A-136/13

**Owner:** Red Top Taxi Ltd.

**Agent:** SmithValeriotte Law Firm LLP, John Valeriotte

**Location:** 78-84 Lewis Road

**In Attendance:** Kevin Thompson  
Charles Dadd  
John Valeriotte  
Ken Head

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. K. Thompson replied that the sign was posted and the staff comments were received. He explained that staff indicated no concerns with the application and they are here to receive approvals from the Committee.

December 10, 2013 C of A Minutes

Committee member C. Downer questioned whether they still have a current location near downtown.

Mr. K. Thompson replied that the business has been operating from the Lewis Road location for a year.

There were no other questions from the members of the Committee.

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 R. Funnell and seconded by L. McNair,

“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 7.1.3 of Zoning By-law (1995)-14864, as amended, for 78-84 Lewis Road, to permit a Taxi Establishment when the By-law does not permit a Taxi Establishment, be approved.”

Carried

**Application:**            **A-139/13**

**Owner:**                 **HGE Investments Ltd.**

**Agent:**                 **Spence & Associates, George Spence**

**Location:**            **455 Silvercreek Parkway North**

**In Attendance:**       **George Spence**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. G. Spence replied the sign was posted and the staff comments were received. He was available for any questions.

Committee member L. McNair questioned if they are consolidating offices.

Mr. G. Spence replied that PNR Railworks still has another division located at 52 Royal Road.

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 C. Downer and seconded by L. McNair,

“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 4.23.1 of Zoning By-law (1995)-14864, as amended, for 455 Silvercreek Parkway North, to permit the office area as an accessory use to accommodate maximum of 30% of the total gross floor area [1677.45 square metres (18,056 square feet)] when the By-law requires not more than 25% of the building floor area shall be used for any accessory use permitted in a B Zone, be approved.”

Carried

**Application:** A-141/13

**Owner:** The Hillside Community Festival of Guelph

**Agent:** Grinham Architects, Lloyd Grinham

**Location:** 341 Woolwich Street

**In Attendance:** Lloyd Grinham  
Richard Charity

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. L. Grinham replied the sign was posted and the staff comments were received. He commented the staff comments were short and to the point. He was available for any questions.

Committee member L. McNair questioned if there is a possibility that the ramp will be built slightly back from the property line.

Mr. L. Grinham replied that they have left a 300 mm buffer in the design to allow for some leeway.

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. McNair and seconded by R. Funnell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7 Row 11 of Zoning By-law (1995)-14864, as amended, for 341 Woolwich Street, to permit a barrier free access ramp to be located 0 metres from the front yard lot line when the By-law requires that a barrier free access ramp be located a minimum of 0.8 metres (2.62 feet) from the front yard lot line, be approved.”

Carried

**Application:** A-135/13  
**Owner:** Mozhgan Miri and Mustafah Ghomisha  
**Agent:** n/a  
**Location:** 764 Willow Road  
**In Attendance:** Mozhgan Miri

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. M. Miri replied that she posted the sign and she received the staff comments. She explained that an approval was previously granted for a larger apartment but she miscalculated the floor area in the drawings she initially submitted.

Committee member L. McNair commented that the initial application for a variance was for a one bedroom apartment but the revised application is for two bedrooms.

Ms. M. Miri replied that the apartment consists of an open space with a kitchen in the corner, there are no bedrooms proposed.

Planner M. Witmer advised that according to the floor plan, there are no bedrooms proposed. He added that there was also no mention of bedrooms on the notice.

Committee member L. McNair proposed to add a condition to limit the number of bedrooms to two.

Planner M. Witmer noted that he did not prepare the staff comments and cannot comment on his colleague's behalf. He advised that a condition limiting the number of bedrooms to two is not necessary due to the fact that the Zoning By-law allows maximum two bedrooms.

Chair D. Kelly advised that the Committee can impose the condition if that makes the members more comfortable.

Committee member L. McNair questioned if the Committee can advise the owner that there cannot be more than two bedrooms in the apartment.

Chair D. Kelly questioned if the applicant understood there can only be maximum two bedrooms, even in the future.

Ms. M. Miri replied they do not want to put up walls and they have no plans to rent the apartment. She advised the Committee she understood the regulation.

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 C. Downer and seconded by L. McNair,

"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 764 Willow Road, to permit an accessory apartment with an area of 114.5 square metres (1,232 square feet) when the By-law requires that an accessory apartment not exceed a maximum of 80 square metres (861.1 square feet) in floor area, be approved."

Carried

**Application:** A-138/13  
**Owner:** Parry Schnick and Catriona Forbes  
**Agent:** n/a  
**Location:** 51 Lowes Road  
**In Attendance:** Parry Schnick

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. P. Schnick replied that the sign was posted and the staff comments were received. He explained that the process is fairly straightforward and he does not see any reason to refuse the variance.

Committee member L. McNair questioned if the apartment is located in the basement.

Mr. P. Schnick replied that the apartment is on the main level of the bungalow. He commented that due to the square footage of the units, the main unit is located partly in the basement.

Planner M. Witmer noted that it is a recommendation from Building Services staff that the den/office on the main floor does not have a door so that it does not become a third bedroom.

There were no further comments or questions from the members of the Committee.

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 R. Funnell and seconded by C. Downer,

“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 51 Lowes Road, to permit an accessory apartment to have an area of 86.1 square metres (926 square feet) when the By-law requires that an accessory apartment shall not exceed a maximum of 80 square metres (861.1 square feet) in floor area, be approved.”

Carried

**Application:** A-142/13

**Owner:** Peter Mee and Hillary Appleton

**Agent:** Izaak de Rijcke Law Office, Izaak de Rijcke

**Location:** 29 London Road East

**In Attendance:** Hillary Appleton

**Izaak de Rijcke**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. I. de Rijcke replied that the sign was posted and the staff comments were received. He explained that the application is the result of a perpetuation of an encroachment that has existed since the house was built. He advised that there already was an encroachment agreement for the front porch but they realized this agreement was for a previous, different porch.

Committee member L. McNair questioned whether a new encroachment agreement is required if the porch is re-built.

Mr. I. de Rijcke replied that with a removal of a deteriorated porch, it should allow for the same footprint to be used. He advised that the existing encroachment agreement is not as encompassing as should be; after reviewing the revised encroachment agreement, they agree with it.

There were no other questions from the members of the Committee.

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. McNair and seconded by C. Downer,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7 Row 1 of Zoning By-law (1995)-14864, as amended, for 29 London Road East, to permit an uncovered porch [which encroaches 0.75 metres (2.46 feet) into the London Road East road allowance]] to be located 0 metres from the front yard property line when the By-law requires that an uncovered porch shall be setback a minimum of 0.8 metres (2.62 feet) from the front yard property line, be approved,

subject to the following condition:

1. That prior to the issuance of a building permit for the uncovered porch and stairs, a revised encroachment agreement be registered on title, if necessary.”

Carried



**Application:** A-130/13  
**Owner:** Ajay Saini  
**Agent:** n/a  
**Location:** 177 Curzon Crescent  
**In Attendance:** Ajay Saini  
Jaspinder Saini  
Harpal Mangat  
Sangeet Arora

The Acting Secretary-Treasurer advised that in addition to the comments submitted earlier by the public, a letter was received after the submission deadline from the owner of 182 Curzon Crescent in support of the application.

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. A. Saini replied that the sign was posted and the staff comments were received. He explained that due to the space being limited in the side yard, they are unable to comply with the regulations.

Committee member R. Funnell questioned if the applicant knows why the side door was installed when it cannot comply with the by-law regulations.

Mr. A. Saini replied that he asked the builder if the side door could be added when the house was being built. He explained that the builder indicated a four foot side yard would leave enough room but the door was built 3 feet high off the ground. He also explained that he asked the builder to construct the landing but the builder advised the owner to build the landing on his own. He commented that the Ontario Building Code requires a 36 inch landing which will leave a setback of approximately one foot.

Committee member L. McNair questioned if the sidewalk leading to the landing is going to cause a problem with the drainage. He noted that the comments from Engineering did not mention the walkway which is already in place.

Planner M. Witmer replied that there is a difference between using gravel and concrete. He noted that this is something the owner should clarify with Engineering.

Chair D. Kelly questioned whether staff worked with the applicant when the interlocking pavers were installed.

Planner M. Witmer replied that Engineering Services conducted a site visit and had no concerns with the interlocking pavers. He noted that the open design of the landing did not cause any concern to staff. He advised that on his site visit he advised some of the neighbours he met to discuss with Engineering Services staff prior to installing anything similar.

Chair D. Kelly requested confirmation that for the application in question, Engineering Services did not have any concerns with the interlocking walkway interfering with the drainage swale.

Planner M. Witmer confirmed that this is correct.

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 C. Downer and seconded by R. Funnell,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 4.7 Row 1 of Zoning By-law (1995)-14864, as amended, for 177 Curzon Crescent, to permit an uncovered porch and associated stairs to be located 0.3 metres (1.13 feet) from the left side yard lot line when the By-law requires that an uncovered porch shall be setback a minimum of 0.6 metres (1.97 feet) from any side yard lot line, be approved.”

Carried

**Application:** A-132/13

**Owner:** Tracey Trimble Moon

**Agent:** n/a

**Location:** 143 Glasgow Street North

**In Attendance:** Tracey Trimble Moon  
Jim Moon

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. T. Trimble Moon replied the signs were posted and the staff comments were received. She explained that they would like to push the front yard fence out to be able to enjoy the yard. She noted that the next door neighbour had no concerns with the proposal.

Committee member L. McNair noted that there was a comment submitted regarding the other fences on the property.

Ms. T. Trimble Moon replied that the fences were part of their swimming pool permit and were inspected and passed by the City inspector.

There were no further comments from the members of the Committee.

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 C. Downer and seconded by L. McNair,

“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 4.20.9 of Zoning By-law (1995)-14864, as amended, for 143 Glasgow Street North, to permit a fence, commencing from the midpoint of the dwelling 6.4 metres (21 feet) towards Liverpool Street property line[ 3 metres (9.75 feet) from Liverpool Street property line] ending at the edge of the driveway, to have a height of 1.8 metres (6 feet) when the By-law requires that any fence located in the front yard shall not exceed 0.8 metres (2.62 feet) in height, be approved.”

Carried

**Application:** A-131/13  
**Owner:** Erik Petersen  
**Agent:** n/a  
**Location:** 2 Koch Drive  
**In Attendance:** Choua Chen  
Judy Metherel

December 10, 2013 C of A Minutes

The Acting Secretary-Treasurer advised that the owner was not able to appear in front of the Committee but is requesting a decision in his absence.

Chair D. Kelly addressed the public by asking them to come forward if they had any comments or questions regarding the application.

Ms. J. Metherel explained that she is in opposition of the application because there is another lodging house located less than 20 metres away which is not considered to be minor. She explained with the approval of this application, she has a concern that there will be other similar rental properties created which will cause even more parking issues. She also expressed a concern with the parking variance requested.

Planner M. Witmer commented that the letter submitted by Ms. Metherel responded to the four test of the Planning Act Section 45.

Committee member L. McNair commented that he agrees with the speaker: the distance is not minor in nature, the parking variance is also unsatisfactory.

Chair D. Kelly reminded the Committee members to state clear reasons that were considered which are particular to this 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 L. McNair and seconded by R. Funnell,

“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 4.13.3.2.2 and Table 4.25 Row 3 of Zoning By-law (1995)-14864, as amended, for 2 Koch Drive,

- a) to permit a five bedroom lodging house to be located within 16.8 metres from an existing lodging house located at 28 Koch Drive when the By-law requires that a minimum separation between buildings being used as a Lodging House Type 1 shall be 100 metres, and
- b) to permit two exterior off-street parking spaces in the driveway to have a depth of 4.76 metres (15.61 feet) when the By-law requires that exterior off-street parking spaces must have a minimum depth of 5.5 metres (18 feet),

be refused.

Reasons for refusal:

1. The request does not meet the general intent and purpose of the Zoning By-law,
2. The request is not minor in nature due to the distance being 16% of what is required,
3. The parking provided is significantly less than what is required, and
4. The request compromises the intent of diverse neighbourhoods.”

Carried

**Application:**            **A-134/13**

**Owner:**                 **JTD Enterprise Inc.**

**Agent:**                 **GSP Group Inc. Hugh Handy**

**Location:**            **230 Silvercreek Parkway North**

**In Attendance:**       **Caroline Baker**

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. C. Baker replied the sign was posted and the staff comments were received. She explained that Dr. Cooperband is looking to expand his business and wants to have more practitioners. She noted that the parking complies with the regulations.

Committee member L. McNair questioned whether the condition of not having more than 8 practitioners is sufficient.

Ms. C. Baker replied that with two dental offices they are intending to have 6 practitioners but parking can be accommodated for up to 8 practitioners.

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 R. Funnell and seconded by L. McNair,

“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 6.4.3.1.26 of Zoning By-law (1995)-14864, as amended, for 230 Silvercreek Parkway North, to permit a

Medical Clinic when the SC.1-26 Zone permits a club, public hall and restaurant but does not permit a Medical Clinic, be approved,

subject to the following condition:

1. The maximum number of medical practitioners on-site at any time shall be eight (8)."

Carried

Committee member J. Hillen arrived at 5:06 p.m.

**Application:** A-140/13  
**Owner:** 2274237 Ontario Inc.  
**Agent:** GSP Group Inc. Hugh Handy  
**Location:** 1291 Gordon Street  
**In Attendance:** Caroline Baker

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Ms. C. Baker replied that the sign was posted and the staff comments were received. She explained that they have been working through the site plan process with City staff. She also explained that they needed to prepare an Environmental Implementation Report where monitoring the water table required them to raise the building. She commented that the term appearance is vague in the Zoning By-law and being able to have 7 stories will give them the flexibility to comply with the water table requirements. She advised that previously they received approvals for the angular plane but since then, the intent for the building has changed and the site plan was revised. She explained that the building was rotated which caused the angular plane to increase. She advised that the park zone adjacent to the building consists of a storm management pond and is not an actual park with a playground.

Committee member C. Downer questioned why Council asked for appearance of 6 stories facing Gordon Street.

Ms. C. Baker replied that there was some public input related to the environmental project because there are significant wetlands to the back of the building. She advised that they are working with the City's urban designer to minimize the massing on Gordon Street. She noted that they are looking at minimizing the massing by providing landscaping at the base of the building and trying to provide the appearance of six storeys.

Committee member L. McNair questioned if the angular plane variance only applies to the one side of the building.

Ms. C. Baker replied that this is correct.

Committee member C. Downer questioned whether Council was concerned about the appearance of the building and will review and approve the site plan.

Planner M. Witmer replied that there is a holding symbol on the property which requires for the Council to approve the site plan, among other items.

Committee member C. Downer commented that she had a concern the Committee is approving something behind the Council's back. She also had a concern with the Council not seeing a draft of the proposal prior to the Committee approving the minor variance, especially if there was a concern with massing and comments from the neighbourhood.

Planner M. Witmer commented that when the concept of the building changed, the applicant circulated the Councillors and the Mayor. He advised that staff did not hear any feedback from the Councillors.

Committee member C. Downer questioned whether the Councillors circulated the revised proposal to the neighbourhood and were they advised that a variance is required.

Planner M. Witmer replied that this did not happen. He explained that under the urban design policies in the Official Plan, in particular for long buildings, staff has some concerns with the flat wall not showing any articulation. He advised that the site plan review committee is recommending more animation and articulation along Gordon Street. He noted that once staff and the applicant are satisfied with the proposal, it will be brought to the Council for final site plan approval or it will be delegated back to staff for changes.

Committee member L. McNair questioned what a "little bit" of raising the building due to the water table entails.

Ms. C. Baker replied that the building must be raised by 0.5 metres or less. She explained that the site slopes downwards and if a storey is more than 50% above grade, it is considered to be a full storey. She advised that a full storey will not be visible from Gordon Street. She also advised that they are proposing a landscaped screening for the first floor. She explained that the intent was to have a 7 storey building and to watch the massing on Gordon. She noted that they are not intending to turn over Council's decision.

Ms. B. Kaszuba asked what the term "massing" means.

Planner M. Witmer replied that massing is how the building addresses the street, how bulky or how narrow it is.

There were no further questions from the members of the Committee.

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. McNair and seconded by R. Funnell,

“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 5.4.3.1.37.2.5 and 4.16.2 of Zoning By-law (1995)-14864, as amended, for 1291 Gordon Street,

- a) to permit a maximum height of 7 storeys visible from Gordon Street when the By-law requires that the maximum building height shall be 7 storeys with 6 storeys visible from Gordon Street, and
- b) to permit an angular plane of 70° from the western building wall adjacent to a park zone when the By-law permits a maximum angular plane of 40° from a park zone,

be approved, subject to the following condition:

1. The Owner agrees to submit and receive approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of the building, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the General Manager of Planning Services and the General Manager/City Engineer, prior to the issuance of a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.”

Carried

Committee member L. McNair commented that the Committee members have tried previously to determine if it is appropriate for them to approve variances which are in the middle of an approval process and felt that the condition imposed covers it. He also commented that he understands the condition imposed to mean that an approval from the Council will be required.

Committee member C. Downer expressed concerns with the Council not interpreting the revised plans but the Committee doing this instead and approving a variance before the Council has a chance to review the changes.



**Application:** A-137/13

**Owner:** LCM Inc. and 841235 Ontario Ltd.

**Agent:** Miller's Farm Fresh Produce, Shawn Miller

**Location:** 763-787 Woolwich Street

**In Attendance:** Shawn Miller  
Barb Kaszuba  
John Kaszuba  
Bill Winship  
Nettie Winship

The Acting Secretary-Treasurer advised the Committee and the public of a typo in the notice for the application. She noted that the section quoted should state: 6.4.3.1.53.1.

Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. S. Miller replied the signs were posted and the staff comments were received. He explained that the truck that he uses to pick up and drop off products has been moved off the property. He was available for any questions.

Committee member C. Downer questioned if there will be any trucks running with the refrigeration system on.

Mr. S. Miller replied that there will not be.

Chair D. Kelly noted that she visited the site today and there was a long white trailer in the back of the building.

Mr. S. Miller replied that he used to have the trailer all summer at the corner of this property and he was selling fruit from the trailer. He advised that the trailer has to run so that the products do not rot. He explained that he rented the stand-alone building and at the time there was no refrigeration available. He also explained that he moved the trailer to the back of the building and used it for storage. He advised that he received complaints regarding the trailer and has since built a small cooler inside the building. He mentioned that he has turned off the trailer and has not used it since October 18<sup>th</sup>, and that it is empty. He commented that he was not aware he was not allowed to use a trailer for storage and does not know what to do with storing his products when summer comes.

December 10, 2013 C of A Minutes

Chair D. Kelly questioned if he understands that he must remove the trailer if the variance is approved.

Mr. S. Miller replied that he understands this.

Planner M. Witmer commented that the minor variance is not dealing with the trailer but will be addressed through Zoning Services staff. He noted that a condition has been imposed by Zoning Services staff to remove the trailer.

Chair D. Kelly questioned whether the applicant understands the conditions imposed and that he will comply with them.

Mr. S. Miller replied that he understands the conditions. He noted that he will move the fence in early January which will allow him to push the trailer out. He commented that the truck has already been removed but that he can perform deliveries with the truck.

Committee member L. McNair commented that the condition states he can keep the truck there if it is being used for delivery purposes.

Chair D. Kelly requested staff to clarify the condition. She questioned whether the applicant is allowed to use the truck for deliveries but cannot keep it there.

Committee member L. McNair commented that if the customer requires a delivery, he has to go pick up the truck, load the truck and park it off-site again. He stated that it is impractical for the applicant to store the truck somewhere off-site in between deliveries.

Chair D. Kelly commented that she understood the deliveries were meant for incoming products to the applicant and not deliveries made by the applicant to his customers.

Planner M. Witmer replied that to the best of his understanding, it is regarding deliveries of products to the applicant and also for deliveries to the applicant's customers.

Chair D. Kelly commented that the truck is not there now because the trailer is parked at the back in its place.

Mr. S. Miller commented that he was told to remove the truck.

Committee member R. Funnell questioned whether the major concern is the refrigerated unit and not the delivery vehicle.

Planner M. Witmer replied that this is correct and the concern is due to the noise caused by the refrigerated unit. He explained that staff was considering requesting the applicant to submit a noise study if the trailer was to stay.

December 10, 2013 C of A Minutes

Chair D. Kelly questioned if the location is suitable where the trailer is parked at the moment, at the rear of the building.

Planner M. Witmer replied that staff had no concern with the location of the truck because there are plenty of parking spaces on site.

Committee member L. McNair proposed to change the wording on the condition to mention “no refrigerated truck and storage trailers...”

Committee member C. Downer commented that the vehicles cannot be used for storing anything, they have to be empty.

Chair D. Kelly noted that if staff considered requiring a noise study, what would be the noise ramifications of deliveries being done.

Committee member J. Hillen commented that the site plan shows two loading spaces at the back of the second building. He questioned if they are penalizing the other building for not having it.

Committee member L. McNair proposed to change the first condition to state: “the fencing for the garden centre be no less than 3 metres from the front property line.” He also proposed to change the second condition to state: “no truck or storage trailers be permitted for storage purposes, refrigerated or not, in conjunction with the garden centre.”

Mr. B. Winship, resident of 19 Woodlawn Road East, commented that they have nothing against the operation of a market garden but the concern is with the noise caused by the refrigerated truck. He noted that the truck was running 24 hours per day and they were no longer able to open their windows or sit on their balconies. He was seeking some assurance that the trailer will not be operating next spring and so forth.

Chair D. Kelly advised that the Committee members received recommendations and conditions from staff regarding the application. She explained that the second condition proposed is in place to address the noise concerns that have been expressed.

Chair D. Kelly requested a confirmation that the truck would not be used at night for storage and that it is not refrigerated.

Mr. S. Miller replied that the truck sits there empty until he needs to use it and that it is not a refrigerated vehicle.

Ms. B. Kaszuba requested assurance that the condition mentions refrigerated vehicles are not permitted.

Committee member C. Downer commented that the condition will mention this.

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. McNair and seconded by J. Hillen,

“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 6.4.3.1.53.1 of Zoning By-law (1995)-14864, as amended, for 763-787 Woolwich Street, to permit a garden centre when the SC.1-53 zone permit a variety of uses but does not permit a garden centre, be approved,

subject to the following conditions:

1. The fencing for the garden centre be no less than 3 metres from the front property line.
2. No truck or storage trailers be permitted for storage purposes, refrigerated or not, in conjunction with the garden centre.”

Carried

The meeting adjourned at 6:00 p.m.

D. Kelly  
Chair

Minna Bunnett, ACST(A)  
Acting Secretary Treasurer