

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday January 11, 2011 at 4:00 p.m. in Committee Room C, City Hall, with the following members present:

R. Funnell, Chair  
L. McNair  
P. Brimblecombe  
J. Andrews  
D. Kelly  
A. Diamond  
B. Birdsell

Staff Present: S. Laughlin, Planner  
K. Fairfull, Secretary-Treasurer

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Minutes from the Previous Meetings

Moved by P. Brimblecombe and seconded by L. McNair,

“THAT the Minutes from the November 23, 2010 meeting of the Committee of Adjustment, be approved, as amended.”

Carried.

Moved by B. Birdsell and seconded by P. Brimblecombe

“THAT the Minutes from the December 14, 2010 meeting of the Committee of Adjustment, be approved.”

Carried.

Other Business

The Secretary-Treasurer advised she received an appeal from the owner of the property on January 4, 2011 against the decision of the Committee for Application A-83/10 at 83 Rodgers Road. She advised the file has been forwarded to the Ontario Municipal Board.

January 11, 2011 C of A Minutes

**Application:**            **B-2/11**

**Applicant:**            **Ho Truong**

**Agent:**                 **James Laws**

**Location:**            **107 Pine Ridge Drive**

**In Attendance:**       **Jeff Buisman**  
                              **Chris Sims**  
                              **Ho Truong**

Chair R. Funnell questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Buisman replied the notice sign was posted and comments were received from staff. He noted there is a storm sewer installed in the rear of the property which is required for the benefit of the abutting property. He questioned if the recommendation from Planning staff requesting an agreement for the maintenance of the easement was necessary when it could be identified in the easement document.

Planner S. Laughlin noted the municipality wants assurance the owners of 1510 Gordon Street are responsible for maintaining the infrastructure.

Mr. Sims noted the registry office may not accept this type of agreement.

Secretary-Treasurer K. Fairfull advised agreements as a condition of a consent application would be allowed at the registry office.

Mr. Sims requested the clause 'if agreeable to registry office' be included in the request.

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 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 over Part of Lot 1, Registered Plan 856, over the lands municipally known as 107 Pine Ridge Drive, an easement with a width of 4 metres (13.12 feet) along Lowes Road and a depth of 12 metres (39.37 feet), to protect a storm sewer connection for the adjacent property at 1510 Gordon Street, be approved, subject to the following conditions: -

1. That prior to endorsation of the deeds, the servient tenement 107 Pine Ridge Drive, grants an 4.000-metres (13.12 feet) to approximately 4.003-metres (13.13 feet) along Lowes Road and a depth of approximately 12.168-metres (feet) to approximately 12.00-metres (39.37 feet) for protection of an existing 300mm storm sewer over Part of Lot 1, Registered Plan 856, registered on title, in favour of the dominant tenement 1510 Gordon Street, Block 126, Registered Plan 856.
2. That prior to endorsation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the easement.
3. That prior to endorsation of the deeds, the owner's solicitor certifies that the easement in favour of 1510 Gordon Street, Block 126, Registered Plan 856, has been granted and registered on title.
4. Prior to the endorsation of the easement, an agreement with the City of Guelph be registered on title of both the dominant and servient tenements requiring that 1510 Gordon Street is responsible for the maintenance of any storm sewer infrastructure within the easement, if acceptable by the Land Registry Office.
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 January 14, 2012.
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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Carried.

**Application:            B-3/11**

**Applicant:              Habitat for Humanity Wellington County**

**Agent:** Jeff Buisman

**Location:** 133 and 135 Bagot Street

**In Attendance:** Jeff Buisman

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Buisman replied the notice sign was posted and comments were received from staff. He explained the property was severed off the adjacent property containing an apartment building adjacent and the semi-detached units require severance to allow for individual ownership of each unit.

Committee member A. Diamond questioned if parkland dedication is applicable for the application.

Planner S. Laughlin replied parkland dedication was paid for each unit with the original severance application.

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 J. Andrews and seconded by D. Kelly,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lots 6 and 7, Registered Pan 334, municipally known as 135 Bagot Street, a property containing a semi-detached unit with a frontage along Bagot Street of 8.8 metres (28.87 feet) and a depth of 26.2 metres (85.9 feet), 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 14, 2012.
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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

**Application:**            **A-1/11**

**Applicant:**            **Asim Ali Mir and Tanveer Asim**

**Agent:**                 **Imad Ali Syed**

**Location:**            **129 Baxter Drive**

**In Attendance:**       **Imad Ali Syed**

The Secretary-Treasurer advised there was correspondence received for the file which was distributed to Committee members with the staff recommendations.

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

Mr. Syed replied the notice sign was posted and the recommendations and letters were received. He addressed the concerns expressed by the neighbours and noted they have a two car garage and only one family car at this time so the required parking could be accommodated in the driveway. He noted the size of the unit has been reduced from the previous application and will be comprised of two bedrooms. With respect to the construction of the kitchen cabinets in the unit, he explained he retained a contractor in March to construct the accessory apartment. He noted had not moved into the house at that time as they did not take ownership until June 25<sup>th</sup>. He advised when he came in to apply for his building permit for an accessory unit he was advised the Interim Control By-law had passed and no permits could be issued. He advised he changed his permit to allow for basement finishes, however the original contractor had hired a sub-constructor who entered the house and installed the cabinets without his knowledge. With respect to the size of the unit he advised he would not find the original building permit drawings for the house resulting in him completing all the measurements and drawing on his own so the actual size may not be exact.

Chair R. Funnell noted there are tests outlined in the Planning Act the Committee must considered before rendering a decision on a minor variance however the Interim Control By-law is not permitting any accessory apartments in Ward 6 and a portion of Ward 5.

Committee member P. Brimblecombe questioned if there was adequate room in the driveway to provide three off-street parking spaces side by side.

January 11, 2011 C of A Minutes

Planner S. Laughlin replied that based on the drawing submitted three cars would not be able to park side by side. She reminded the Committee that parking is not a matter before them for consideration.

Committee member P. Brimblecombe noted the existing By-law regulations limit the size of the unit to a maximum of 80 square metres. He noted the request is for a larger unit and is in direct contravention to the Interim Control By-law.

Mr. Syed advised he understood why the Interim Control By-law was put into effect. He noted the By-law was passed without any public notice on June 6<sup>th</sup> and their house was purchased with the understanding they could construct the accessory apartment as it was permitted when they purchased their home.

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

Moved by P. Brimblecombe and seconded by D. Kelly,

“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 Interim Control By-law (2010)-19019 and Zoning By-law (1995)-14864, as amended, for 129 Baxter Drive, to permit an 83.61 square metre (900 square foot) two bedroom accessory apartment when the Zoning By-law limits the size of an accessory unit to a maximum of 80 square metres (861.11 square feet) and to permit the accessory apartment when Interim Control By-law (2010)-19019 passed by City Council on June 7, 2010 to undertake a review of the zoning regulations pertaining to accessory apartments and lodging houses in R.1 and R.2 zoned portions of Ward 6 and Part of Ward 5 for the purpose of recommending zoning amendments to address issues associated with the concentration of shared rental housing in addition to complementary strategic initiatives to address the issues (the introduced zoning regulations have been appealed to the Ontario Municipal Board], be refused.

Reasons for refusal being: -

1. The Committee must be respectful of the intent of the Interim Control By-law.
2. The request does not meet the intent of the Zoning By-law regulations.
3. There is a stated intention of the City to limit the concentration of accessory units and the adjacent property has an accessory apartment and home business which has been registered.”

Carried.

Committee member D. Kelly requested staff make By-law enforcement staff aware of the concerns expressed in the letters from the neighbours.

January 11, 2011 C of A Minutes

**Applications:** B-28/10, A-58/10 and A-59/10

**Applicant:** Silvio Valeriotte, Frank Valeriotte and Rochelle Mendonca

**Agent:** Silvio Valeriotte

**Location:** 206 Alice Street

**In Attendance:** Silvio Valeriotte

Chair R. Funnell questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Valeriotte replied the notice sign was posted and comments were received from staff. He expressed gratitude to staff for their assistance to bring the application back before the Committee. He noted they have reviewed the comments and are in agreement with all recommendations and brought to the Committee's attention. He questioned the recommendation from Engineering Services related to hydro servicing being satisfied prior to deed endorsement whereas Guelph Hydro has recommended compliance prior to permit issuance.

Planner S. Laughlin advised the application to approach Guelph Hydro regarding the recommendation.

Committee member L. McNair suggested the Committee recommend an encumbrance be included in the deed prohibiting an accessory apartment.

Planner S. Laughlin noted an accessory apartment could be accommodated on the site in this instance and questioned why the Committee would want to enforce this recommendation.

Committee member L. McNair expressed concern where the Committee is approving severances resulting in lot sizes equal to the regulations of an R.1C and R.1D lots that cannot accommodate an accessory apartment with the driveway widths required for accessory units.

Planner S. Laughlin replied the By-law restricts the amount of driveway coverage in the front yard but not in an exterior side yard, where the driveway will be located with this proposal. The By-law only requires a maximum driveway width of 7.5 metres in an exterior side yard which could accommodate the required parking for an accessory unit.

Committee member A. Diamond questioned if Heritage staff will review the plans as part of staff's review of the building elevations.

Planner S. Laughlin assured the Committee Heritage Guelph staff will review the drawings as part of the Planning review.

Application B-28/10

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 A. Diamond and seconded by J. Andrews,

“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 42, Registered Plan 375, to be known as 20 Johnston Street, a parcel with a frontage of 15.47 metres (50.75 feet) along Alice Street and a depth of 20.42 metres (67 feet) along Johnston Street, be approved, subject to the following conditions:

1. That the owner pays \$279.13 for the watermain frontage charge at \$5.50 per foot of frontage for 50.75 feet (15.47 metres), prior to endorsonation 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 any proposed building to be constructed on the proposed severed lands does not extend into the safe traffic sight line triangle.
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 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.
9. That a legal off-street parking space be created on the severed lands at a minimum setback of 6-metres from the Johnston Street property line.
10. That the owner shall pay for all the costs associated with the removal of a portion of the asphalt driveway and reinstated with sod from the lands to be severed, to the satisfaction of the General Manager of Planning and Building Services, prior to endorstation of the deeds.
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 endorstation of the deeds.
12. 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 and Building 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.
13. That a site plan be submitted to, and approved by the General Manager of Planning and Building 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 impacted by the development on the property and the adjacent municipal boulevard, identifying trees to be retained, removed or replaced and methods to protect the trees to be retained during all phases of construction including appropriate tree protection fencing;
  - c. That the location of the new dwelling maintains a setback that is in character with the surrounding area;
  - d. Grading, drainage and servicing information.
14. 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 and Building Services.
15. 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.
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. That prior to issuance of a building permit, the applicant makes arrangements for the provision of hydro servicing to the proposed severed lot, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.
18. That prior to the issuance of any building permit the owner shall investigate the noise and vibration levels on site and determine the mitigation measures which are necessary for achieving applicable Provincial criteria. An acoustical and vibration report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted in duplicate to the Guelph Junction Railway for review and approval.
19. That the owner place the following warning clause in all agreements of purchase, sale or lease of the severed parcel:

Warning: Guelph Junction Railway or its assigns or successors as aforesaid may expand its operation, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuation measures in the design of individual dwelling(s). The Guelph Junction Railway will not be responsible for any complaints or claims arising from use of such facilities and or operation on, over or under the aforesaid railway right-of-way.
20. 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.
21. 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 14, 2012.
22. 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.
23. 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.
24. 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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application A-58/10

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 J. Andrews,

“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 requirement f Table 5.1.2 – Row 4 of Zoning By-law (1995)-14864, as amended, for 206 Alice Street, to permit the retained parcel from severance Application B-28/10 to have a lot frontage of 10.87 metres (35.66 feet) when the By-law requires a minimum frontage equal to the average of the frontages within the Block Face and in no case more than 15 metres (49.21 feet), be approved, subject to the following condition:

1. That the conditions imposed for Application B-28/10 be and form part of this approval.”

Carried

Application A-59/10

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 J. Andrews,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Table 5.1.2-Row 3, and Sections 5.1.3.2.10.1.1 and 4.6.2.2 of Zoning By-law (1995)-14864, as amended, to permit the severed parcel from severance application B-28/10, municipally known as 20 Johnston Street,

- a) to have a lot area of 315.21 square metres (3,392.90 square feet) when the By-law requires a minimum lot area of 460 square metres (4,951.40 square feet),
- b) to permit the proposed residential dwelling to be setback 4.16 metres (13.64 feet) from the Johnston Street property line [with the off-street parking space being setback 6 metres (19.68 feet)] when the By-law requires a minimum exterior side yard equal to the average of the setbacks of the adjacent properties [minimum 7.86 metres (25.8 feet)], and,
- c) to permit a portion of the new dwelling to be located within the corner sightline triangle when the By-law requires no structure be located within the corner sightline triangle measured 9 metres from the corner intersection),

be approved, subject to the following condition:

1. That the conditions imposed for Application B-28/10 be and form part of this approval.”

Carried

**Application:** B-51/10  
**Applicant:** Guelph Non-Profit Housing Corporation  
**Agent:** Jeff Buisman  
**Location:** 394 Auden Road  
**In Attendance:** Jeff Buisman  
Harry Blinkhorn  
Gabriela Pizziola  
Kimberley Beardwood

The Secretary-Treasurer read two letters submitted in objection to the application.

Chair R. Funnell questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Buisman replied Options for Homes has constructed a condominium development at 35 Mountford Drive and part of the condominium approval is an easement be provided for water service in addition to a pedestrian access/emergency access across the subject property. He noted the parcel is owned by Guelph Non-Profit Homes who have given their consent to provide the subject easement.

Members of the Committee questioned if there would be a barrier constructed to prohibit vehicles using the access.

Mr. Buisman studied the site plan and advised the Committee there would be bollards and chains at both ends of the access.

Committee member L. McNair questioned who would be responsible for the maintenance, including snow clearing of the parcel.

Mr. Buisman replied he was unsure who would be responsible for the maintenance.

Mr. Blinkhorn advised there is an agreement between Guelph Non-Profit Housing and Maple Grove Co-operative identifying the condominium corporation is responsible for the maintenance of the property. He noted the easement requires final approval from the Ministry of Housing as it will be considered an encumbrance.

January 11, 2011 C of A Minutes

Planner S. Laughlin suggested if clarification was required, an agreement could be entered into with the municipality who would be responsible for the maintenance. She further noted it was her understanding the emergency access would be utilized for exiting fire trucks only as there is inadequate turnaround space at 35 Mountford Drive.

Committee member L. McNair advised the driveway in the condominium development dead ends. He questioned if there would be further development on the adjoining property.

Planner S. Laughlin advised the adjacent property will remain a park and noted the driveway is aligned with an existing service easement on the property.

Committee member D. Kelly questioned staff if they would have any objection to a privacy fence being installed along the walkway.

Planner S. Laughlin replied most walkways between two houses do not have privacy fences for safety reasons. She noted most fences are chain link with vegetation.

Committee member P. Brimblecombe advised he has seen privacy fences along walkways however they are prone to vandalism.

Chair R. Funnell noted the Committee must take into consideration if this will create a safe passage for pedestrians using the walkway.

Planner S. Laughlin noted this would have been discussed during the rezoning and site plan stage however she did not have the files with her.

Mr. Blinkhorn noted the easement requires final approval from the Ministry of Housing as it will be considered an encumbrance.

Committee member P. Brimblecombe questioned if the walkway existed when the properties were developed along Watt Street.

Mr. Blinkhorn advised a sanitary sewer line exists under the subject parcel. He noted the area is fenced today and no walkway is in place.

Ms. Pizziola of 57 Watt Street expressed concern her privacy will be affected. She further wanted assurance there would be barriers at either side of the easement which has been assured today. He advised she has two dogs and there is concern about the amount of pedestrian traffic which will be using the walkway and the affect on her animals.

Mr. Buisman advised the applicant is open to installing some type of privacy fence.

Committee member L. McNair noted there was concern expressed in the letters about the removal of trees on the property. He questioned if this was considered with the site plan approval.

January 11, 2011 C of A Minutes

Planner S. Laughlin advised this was reviewed with the site plan application and explained new trees will be planted when construction is complete.

Committee member L. McNair expressed concern about a solid board fence along the walkway for safety reasons. He noted the issue of privacy could be dealt with by the neighbours affected.

Mr. Buisman noted walkways are generally narrow however this walkway is quite wide and privacy fencing will not create tunnel vision.

The Committee discussed and encouraged the neighbours to meet with the owner and the municipality to find a solution concerning screening along the easement.

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 J. Andrews and seconded by P. Brimblecombe,

“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 145, Registered Plan 815, Watt Street, an easement with a width of 13.461 metres (44.16 feet) along Watt Street and a depth of 60.132 metres (197.28 feet), for water service, pedestrian and emergency access from Watt Street to 35 Mountford Drive, be approved, subject to the following conditions:

1. The parties address the privacy concerns along the walkway, satisfactory to the General Manager of Planning and Building Services, prior to endorsement of the deed.
2. That the dominant tenement (394 Auden Road), grants an easement with a width of approximately 13.461-metres (44.16 feet) along Watt Street and a depth of approximately 60.132-metres (197.28 feet) for a new water service, pedestrian and emergency access to 35 Mountford Drive over Part of Block 145, Registered Plan 815, the dominant tenement (394 Auden Road), registered on title, in favour of the servient tenement (35 Mountford Drive).
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 January 14, 2012.
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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

With some Committee members being absent in the upcoming months, it was agreed to hold the yearly election for Chair and Vice-Chair.

Chair R. Funnell removed himself from the chair for the elections.

The Secretary-Treasurer asked for nominations from the floor for Chair for the Committee of Adjustment for 2011.

Moved by J. Andrews and seconded by R. Funnell,

“THAT L. McNair be nominated as Chair for the Committee of Adjustment for the year 2011.”

L. McNair accepted the nomination.  
There were no further nominations.

The Secretary-Treasurer asked if there were any nominations from the floor for Vice-Chair of the Committee of Adjustment for 2011.

Moved by P. Brimblecombe and seconded by L. McNair,

“THAT D. Kelly be nominated as Vice-Chair for the Committee of Adjustment for the year 2011.”

Committee member D. Kelly accepted the nomination.  
There were no further nominations.

Committee members expressed their appreciation to R. Funnell for being Chair of the Committee of Adjustment for the past four years.

The meeting adjourned at 6:00 p.m.

R. Funnell  
Chair

K. E. Fairfull, ACST  
Secretary-Treasurer

## Committee of Adjustment

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday February 8, 2011 at 4:00 p.m. in Council Committee Room B, City Hall, with the following members present:

L. McNair, Chair  
D. Kelly  
R. Funnell  
J. Andrews  
A. Diamond

Regrets: P. Brimblecombe  
B. Birdsell

Staff Present: S. Laughlin, Planner  
K. Fairfull, Secretary-Treasurer

There were no declarations of pecuniary interest.

### Minutes from Last Meeting

Moved by R. Funnell and A. Diamond

“THAT the Minutes from the January 11, 2011 Regular Meeting of the Committee of Adjustment, be approved, as printed and circulated.”

Carried.

### Other Business

Chair L. McNair requested an agenda item be added at the April meeting requesting consideration for changing times the applications are heard by the Committee.

The Secretary-Treasurer distributed the 2010 Annual Report prepared for the Committee and members of Guelph City Council.

The Secretary-Treasurer advised Guelph City Council passed a resolution that no staff appear at the upcoming Ontario Municipal Board hearing for 133 Grange Street.

The Secretary-Treasurer advised she received an appeal from the owner of 129 Baxter Drive against the decision of refusal for the accessory unit being Application A-1/11. She advised the file has been forwarded to the Ontario Municipal Board.



**Application:** B-7/11

**Applicant:** Joseph P. Valeriote Holdings Inc.

**Agent:** John Valeriote; Smith Valeriote

**Location:** 335-341 and 345 Woodlawn Road, West

**In Attendance:** John Valeriote  
Ben Bryce

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Bryce replied the notice signs were posted and comments were received from staff.

Chair L. McNair noted he did not see the signs during his site inspections today.

Mr. Valeriote explained the purpose of the application is to obtain a technical severance. He noted there were a series of conveyance in 1972 and 1987 and a name change in a corporation resulted in a merger in title. He addressed the concern from Planning and Zoning Services staff respecting the right side yard for 345 Woodlawn Road, West. He advised they are willing to shift the lot line to comply with by-law requirement and provide a 3 metre setback.

Planner S. Laughlin suggested the Committee consider a condition in their approval related to the building link with assurance the conditions of approval associated with Application A-149/83 be complied with.

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 R. Funnell and seconded by J. Andrews

“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 10, Lot 11 and Part Lot 12, Registered Plan 630, known as 335-341 Woodlawn Road, West, a parcel with frontage along Woodlawn Road, West of 65.576 metres and a depth along Regal Road of 168.214 metres, be approved, subject to the following conditions:

1. That the applicant provides confirmation the retained parcel complies with the Zoning By-law to show a complying side yard setback relative to the severance line, prior to endorstation of the deed.

2. That prior to the endorsation of deeds, all outstanding site plan compliance issues be dealt with to the satisfaction of the General Manager of Planning and Building Services.
3. That the owner deeds to the City free of all encumbrances a parcel of land approximately 2.207-metres (7.24 feet) wide by approximately 62.576-metres (205.30 feet) long for a road widening across the entire frontage of number 335-341 Woodlawn Road, prior to endorsation of the deeds.
4. That the owner deeds to the City free of all encumbrances a 3.0-metre by 3.0-metre parcel of land for a day lighting triangle at the intersection of Woodlawn Road and Regal Road from 335-341 Woodlawn Road, prior to endorsation of the deeds.
5. That the owner deeds to the City free of all encumbrances a parcel of land approximately 4.645-metres (15.24 feet) wide by approximately 80.513-metres (264.15 feet) long for a road widening across the entire frontage of number 345 Woodlawn Road, prior to endorsation of the deeds.
6. That prior to endorsation of the deeds, the owner removes and/or relocates the existing flag pole from the road allowance; or if the owner wishes to keep the existing flag pole 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 flag pole on the Woodlawn Road right-of-way.
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 February 11, 2012.
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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

**Application:** B-5/11 and B-6/11  
**Applicant:** Helmuth Silsarenko/Gertrude Johnson  
**Agent:** Astrid Clos; Astrid J. Clos Planning Consultants  
**Location:** 1499 and 1475-1483 Gordon Street  
**In Attendance:** Sam Johnson  
Helmuth Slisarenko  
Astrid Clos

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. Clos replied the notice signs were posted and comments were received from staff. She distributed plans to the Committee outlining the nature of the applications. She noted the consent will result in two parcels with a better configuration with easements in favour of each other. She explained the easement will result in a decrease in the number of driveways to Gordon Street when the sites are redeveloped.

Application Number B-5/11

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 A. Diamond and seconded by J. Andrews,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lots 2 and 3, Registered Plan 74, municipally known as 1475-1483 Gordon Street, a parcel (Parts 3 and 7) with a frontage along Gordon Street of 6.6 metres and an area of 167 square metres, as a lot addition to 1499 Gordon Street, subject to a right-of-way over Part 7 with a frontage along Gordon Street of 3 metres in favour of 1475-1483 Gordon Street and together with a right-of-way over Part 2 with a frontage along Gordon Street of 7 metres in favour of 1499 Gordon Street, to be utilized as a mutual access to 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 (1475-1483 Gordon Street), grants an easement with a width of approximately 7.00-metres (22.97 feet) by a depth of approximately 45.69-metres (149.90 feet) (Parts 2 and 5), for a mutual right-of-way for access to Gordon Street, registered on title, in favour of the dominant tenement (1499 Gordon Street).
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 easement.
5. That prior to endorsation of the deeds, the owner's solicitor certifies that the easement, in favour of 1499 Gordon Street, has been granted and registered on title, in perpetuity.
6. That the owner of 1475-1483 Gordon Street shall pay the actual costs associated with the closure of the existing driveway entrances within the Gordon Street right-of-way, with the estimated cost of the works as determined necessary by the City Engineer being paid, at the time of any future redevelopment of the property.
7. That prior to the endorsation of deeds the zoning of the severed and retained parcels be amended so that the resultant parcel to be known as 1475-1483 Gordon Street (parts 1, 2, 4 & 5 on the severance sketch) is zoned to permit the existing uses and the resultant parcel to be known as 1499 Gordon Street (parts 3, 6, 7 & 8 on the severance sketch) is zoned to permit future development.
8. That an access easement having a minimum width of 7.0m be granted over the southerly portion of the lands in favour of 1499 Gordon Street.
9. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to close any existing driveways not located within the mutual access easement at the time of the future redevelopment of the parcel.
10. 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 11, 2012.

11. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
12. 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.
13. 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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

Application Number B-6/11

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 A. Diamond and seconded by J. Andrews,

“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 2, Registered Plan 74, municipally known as 1499 Gordon Street, a parcel (Parts 4 and 5) with an area of 554 square metres, as a lot addition to 1475-1483 Gordon Street, subject to a right-of-way over Part 5 with a width of 7 metres in favour of 1499 Gordon Street and together with a right-of-way over Part 7 with a frontage along Gordon Street of 3 metres in favour of 1475-1483 Gordon Street, to be utilized as a mutual access to 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 (1475-1483 Gordon Street), grants an easement with a width of approximately 7.00-metres (22.97 feet) by a depth of approximately 45.69-metres (149.90 feet) (Parts 2 and 5), for a mutual right-of-way for access to Gordon Street, registered on title, in favour of the dominant tenement (1499 Gordon Street).
  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 easement.
  5. That prior to endorsation of the deeds, the owner's solicitor certifies that the easement, in favour of 1499 Gordon Street, has been granted and registered on title, in perpetuity.
  6. That the owner of 1475-1483 Gordon Street shall pay the actual costs associated with the closure of the existing driveway entrances within the Gordon Street right-of-way, with the estimated cost of the works as determined necessary by the City Engineer being paid, at the time of any future redevelopment of the property.
  7. That prior to the endorsation of deeds the zoning of the severed and retained parcels be amended so that the resultant parcel to be known as 1475-1483 Gordon Street (parts 1, 2, 4 & 5 on the severance sketch) is zoned to permit the existing uses and the resultant parcel to be known as 1499 Gordon Street (parts 3, 6, 7 & 8 on the severance sketch) is zoned to permit future development.
  8. That an access easement having a minimum width of 3.0m be granted over the northerly portion of the lands in favour of 1475-1483 Gordon Street.
  9. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to close any existing driveways not located within the mutual access easement at the time of the future redevelopment of the parcel.
  10. 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 11, 2012.
  11. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.

12. 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.
13. 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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

**Application:**            **A-2/11**

**Applicant:**            **Akbar and Masooma Rahmaty**

**Agent:**                **Akbar and Masooma Rahmaty**

**Location:**            **65 Baxter Drive**

**In Attendance:**       **Akbar and Masooma Rahmaty**

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Rahmaty explained they would like to finish the basement area for an accessory unit for his mother who is in poor health. He noted the unit will be one bedroom and meets the requirements of the Zoning By-law.

Committee member R. Funnell questioned why they could not wait until Interim Control By-law is lifted.

Mr. Rahmaty replied they commenced construction and received a letter from the City that construction must stop until zoning approvals were obtained. He advised his mother is living with relatives and would like some independence; however she cannot be left alone due to her poor health.

Committee member R. Funnell noted the Committee is in an awkward position when City Council has placed a restriction on any accessory apartments being created while the Interim Control By-law is in place.

Mrs. Rahmaty asked the Committee to grant them an extension as her mother needs someone with her at all times and is uncomfortable in a retirement home as she does not speak English.

Chair L. McNair questioned if the accessory apartment would be permitted if the Interim Control By-law was not in place.

Planner S. Laughlin replied she does not believe a variance would be required under either the current or proposed by-law.

Committee member A. Diamond questioned if it was necessary to complete the accessory apartment in order for the mother to move in.

Mrs. Rahmaty replied there are too many stairs for her to reside in the main unit.

Committee member D. Kelly noted that while she has been supportive of refusal of the applications previously the accessory unit will comply with existing and proposed By-law requirements and it is a technicality they are waiting for the Ontario Municipal Board to decide on the appeals submitted.

The Committee suggested deferring the application.

Planner S. Laughlin questioned the value of the Committee deferring the application as the municipality has to actively pursue compliance with the Building Code and the owner would have no decision to move forward.

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. Andrews,

“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 Interim Control By-law Number (2010)-19019, being a By-law directly staff to undertake a review of the zoning regulations pertaining to accessory apartments and lodging houses in R.1 and R.2 zoned portions of a portion of Ward 5 and Ward 6, to permit an accessory apartment at 65 Baxter Drive which is located in Ward 6, be refused.”

The motion would 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 A. Diamond and seconded by D. Kelly,

“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 Interim Control By-law Number (2010)-19019, being a By-law directly staff to undertake a review of the zoning regulations pertaining to accessory apartments and lodging houses in R.1 and R.2 zoned portions of a portion of Ward 5 and Ward 6, to permit an accessory apartment at 65 Baxter Drive which is located in Ward 6, be approved.”

Carried.

**Application:** A-4/11  
**Applicant:** Wynne Christie  
**Agent:** Allison Christie/Dale Bonnet  
**Location:** 47 Grange Street/55 Hillcrest Drive  
**In Attendance:** Allison Christie  
Don and Judy Coulman

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. Christie replied she received comments from staff and the signs were posted. The property contains a coach house and they propose to put an addition on the coach house. She requested the Committee consider deferral of the application to deal with the concerns expressed by Planning Services.

Mrs. Coulman noted she was a neighbor at 53 Hillcrest Drive. She requested the application not be brought forward at the April meeting as they wish to speak to the application and will be out of the country at that time.

Moved by J. Andrews and seconded by D. Kelly

“THAT Application A-4/11 for Wynne Christie at 47 Grange Street/55 Hillcrest Drive, be deferred sinedie, and not before the April 12, 2011 meeting, 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-1/11, A-6/11 and A-7/11

**Applicant:** 785412 Ontario Limited

**Agent:** Subhash Chugh

**Location:** 67 Raymond Street

**In Attendance:** Subhash Chugh

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements. He noted he did not see the sign during his site inspection.

Mr. Chugh replied the notice sign was posted and comments were received from staff. He explained he has purchased two abutting properties, irregular in shape and is requesting severance for two residential lots. He advised he has met with Grand River Conservation Authority and received their requirements for a permit and is aware of construction requirements in the Special Policy Area. He noted he would like to proceed with the application; however he would be willing to meet with Planning staff to address their concerns.

Committee member J. Andrews noted the concerns seem to be minor and a deferral could easily provide the opportunity to bring forward a complete application.

Mr. Chugh replied he would have no concern to a deferral but objected to paying the deferral fee required.

Moved by J. Andrews and seconded by R. Funnell,

“THAT Applications B-1/11, A-6/11 and A-7/11 for 785412 Ontario Limited 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 applicable deferral application fee be waived, prior to reconsideration of the application.”

Carried.

**Application:** B-4/11, A-5/11

**Applicant:** Gail and Edward Turow

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

**Location:** 44 Oak Street

**In Attendance:**        **Paul Magahay**  
                                 **Carmelina Ride**  
                                 **Janis MacPherson**

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Magahay explained the owner wishes to formally request deferral sine die to allow the opportunity to address the concerns from staff.

The residents who attended the hearing were advised to make any comments related to the application at a future hearing, when all members who would make a decision could be in attendance.

Moved by R. Funnell and seconded by J. Andrews,

“THAT Applications B-4/11 and A-5/11 for Gail and Edward Turow at 44 Oak Street, be deferred sine die, and in accordance with the Committee’s policy on applications deferred sine die, 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 5:30 p.m.

L. McNair  
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 March 8, 2011 at 4:00 p.m., in Council Committee Room A, City Hall, with the following members present:

L. McNair, Chair  
B. Birdsell  
J. Andrews (until 5:10 p.m.)  
A. Diamond  
R. Funnell  
P. Brimblecombe

Regrets: D. Kelly

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

### Declarations of Pecuniary Interest

Committee member J. Andrews declared a pecuniary interest for Application A-3/11 at 76 Dean Avenue.

There were no further declarations of pecuniary interest.

### Approval of Minutes from Last Meeting

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

“THAT the Minutes from the February 8, 2011 Regular Meeting of the Committee of Adjustment, be approved, as printed and circulated.”

Carried.

### Other Business

The Secretary-Treasurer advised the Ontario Municipal Board hearing has been scheduled for Tuesday April 12, 2011 at 10:30 a.m. in Committee Room 112 for Application A-67/10 at 133 Grange Street.

March 8, 2011 C of A Minutes

**Application:** A-11/11

**Applicant:** Woodhouse Investments Inc.

**Agent:** Steve Petric

**Location:** 91 Duke Street

**In Attendance:** Bill Swan  
Steve Petric  
Maria Pezzano

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Petric replied the notice sign was posted and comments were received from staff. He advised his company has submitted an offer to purchase the property with the intention of occupying one of the two units with his engineering technology firm while maintaining an existing tenant First On-Site Restorations in the other unit. He explained the permitted use being requested is for office type uses for his company as they complete construction surveys and a tradespersons shop for First On Site Restoration. He advised they can provide 19 on-street parking spaces on the site however staff may not support the location of a few spaces therefore a variance was requested to the number of spaces provided.

Committee member B. Birdsell asked for clarification on the Engineering Department concerns about the site not being developed in accordance with the approved site plan.

Planner S. Laughlin could not respond to the details of non-compliance.

Mr. Petric advised he spoke with Engineering staff. He was advised there was a rear grassed area that has been paved and they would like this corrected to water does not run on to any abutting properties. He further they plan to provide a new site plan identifying the parking spaces on the site to determine if they can function properly.

Committee member B. Birdsell questioned if the Engineering recommendation should be amended to request that a new site plan be submitted.

Planner S. Laughlin noted the applicant has the option of developing the site in accordance with the approved site plan or submit a new site plan.

Maria Pezzano explains her property at 102 Arthur Street, South abuts this property. She expressed concern about the site not being developed in accordance with the site plan, specifically addressing drainage, location of garbage and lack of buffer strip.

March 8, 2011 C of A Minutes

Mr. Petric advised garage would be picked up by a private hauler so there will be garbage containment on the site in accordance with the Zoning By-law requirements.

Planner S. Laughlin noted the applicant will be responsible for developing a buffer strip which typically consists of a solid wood fence or a chain link fence with vegetation.

Ms. Pezzano questioned if the drainage will be examined.

Mr. Petric replied they will be completing field work identifying drainage on the property and submitting it to Engineering staff for review.

Planner S. Laughlin noted that if a new site plan is submitted July 31<sup>st</sup> may be a bit aggressive. Would be appropriate if being developed in accordance with the approved as built plan. Site plan process takes 2-3 months.

Chair L. McNair questioned if the pavement to the rear of the building will be removed.

Mr. Petric replied it is the intent to leave the rear area as paved.

Planner S. Laughlin noted the pavement will not be permitted in the required buffer strip.

Ms. Pezzano questioned if she could review the new site plan and be notified.

Planner S. Laughlin welcomed Ms. Pezzano to come to the office and view the drawings.

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 P. Brimblecombe,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Sections 7.3.4.1.1 and 4.13.4.2 of Zoning By-law (1995)-14864, as amended, for 91 Duke Street, to establish an office use within 292.1 square metres (3,145 square feet) of the building and maintain the existing 200 square metre (2,155 square feet) tradesperson’s shop with 167.22 square metres (1,800 square feet) accessory office when the By-law permits a metal fabrication industry only and to permit a total of 18 off-street parking spaces when the By-law would require a total of 19 off-street parking spaces, be approved, subject to the following conditions:

1. That the owner develops the property in accordance with the approved as-built site plan dated May 29, 2001 within one hundred and twenty (120) days of the date of this decision, or this decision will be declared null and void.  
  
or
2. 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; and,
  - a) That the owner shall develop the property in accordance with the approved site plan within July 31, 2011 or this decision will be declared null and void.
3. That prior to the use of the property for an office or tradespersons' shop, a site plan under Section 41 of the Planning Act be submitted to and approved by Planning and Building Services.
4. That the site be developed in accordance with the approved site plan."

Carried.

**Application:** B-8/11  
**Applicant:** Kindle Communities Organization  
**Agent:** Scott Galajda; Miller Thomson  
**Location:** 20 Shelldale Crescent  
**In Attendance:** Scott Galajda  
Chris Tremeer

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements. He noted he could not see the signs during his site inspection.

Mr. Tremeer replied they put the sign on a stake which was destroyed so they posted the sign in the lobby.

Mr. Galajda noted Guelph Community Health Centre is currently constructing an addition to the building and is requesting a long term lease greater than 21 years. He noted the lease is a requirement from the Ministry of Health as a condition of their financial contribution.

There were no questions from Committee members.

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 J. Andrews 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 long term lease for Lots 7-9, Registered Plan 556, known municipally as 20 Shelldale Crescent, to permit a lease for 50 years for a 460 square metre (4,950 square foot) one storey addition for Guelph Community Health Centre, 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 March 11, 2012.
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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried.

**Application: A-12/11**

**Applicant: Maple Key Management Limited**

**Agent: Bob Mason**



March 8, 2011 C of A Minutes

**Location:** 214 Speedvale Avenue, West

**In Attendance:** Bob Mason  
Fred Reyner

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

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

Mr. Mason explained Mr. Reyner would like to relocate his business 'Applied Biomechanics' to the property which is a custom orthotic business. He explained staff has determined this is a medical office which is not a permitted use in the SC.1-5 zone.

Committee member J. Andrews questioned if this would be considered a personal service establishment.

Planner S. Laughlin replied the By-law would not classify this business as a personal service establishment.

Chair L. McNair questioned if the permission would permit a medical doctor from occupying the unit.

Planner S. Laughlin noted Planning staff recommended a condition the variance would be for this use only. She noted parking on this property is tight and could not support a medical office for family doctor. She advised this request if for a less intense medical use requiring less use of the parking available.

Committee members recommended staff consider adding an ortotist definition as a definition in any amendments to the Zoning By-law.

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 6.4.3.1.5.1 of Zoning By-law (1995)-14864, as amended, for 214 Speedvale Avenue, West, Unit 7, to permit a 206.24 square metre (2,220 square foot) medical office for Applied Biomechanics Custom Orthotic Services which designs, fabricates and fits orthopaedic

braces when the By-law does not permit the use in the SC.1-5 zone, be approved, subject to the following conditions:

1. The medical office shall only be for a Certified Orthotist and/or a Certified Pedorthist.
2. The maximum gross floor area the medical office can occupy is 206.25 m<sup>2</sup> (2,220 sq. ft.).”

Carried.

**Application:** A-9/11  
**Applicant:** Ranhee Woo  
**Agent:** Vivek Kumar  
**Location:** 40 Willow Road  
**In Attendance:** Vivek Kumar

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Kumar replied the notice sign was posted. He reviewed the comments from staff. He explained they would like to utilize the hot dog cart as an option to bring more customers to the store.

Committee member R. Funnell questioned if staff are satisfied there is adequate parking on the site.

Planner S. Laughlin replied staff are generally satisfied.

Committee member P. Brimblecombe questioned if the cart was running last year.

Mr. Kumar replied he purchased the property in November and wanted to obtain permission to open the cart this summer.

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 P. Brimblecombe,

“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 6.1.2-Row 13 and Section 4.22.1 of Zoning By-law (1995)-14864, as amended, for 40 Willow Road, to permit a 1.5 metre by 2.44 metre (5 foot by 8 foot) mobile barbeque facility which will be situate .77 metres (2.54 feet) from the front property line when the By-law requires that the operations foe vey commercial establishment be conducted within an enclosed building or structure, be approved, subject to the following conditions:

1. That the owner keeps the mobile barbeque facility (Hot Dog Cart) approximately 0.77-metres (2.54 feet) from the front property line and approximately 2.29-metres (7.50 feet) from the existing driveway entrance as shown in red on the applicant’s plan.
2. That the mobile barbeque facility be located outside of the required driveway sightline triangle.
3. That the mobile barbeque facility not obstruct any required parking space.
4. That the mobile barbeque facility be located 0.6m from the side lot line.”

Carried.

**Applications:** B-10/10, B-11/10, A-12/10, A-13/10 and A-14/10

**Applicant:** C. Wile

**Agent:** C. Wile

**Location:** 94 Maple Street

**In Attendance:** C. Wile  
Katharine Phillips-Wile

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Wile replied the notice signs were posted. He noted they have a property comprised of 1.6 acres and propose to sever two 80 foot by 100 foot lots. He noted the deferral of the applications expires on April 12<sup>th</sup> and they are scheduled to appear before the Environmental Advisory Committee on April 13<sup>th</sup>. He noted they did not want to proceed with the applications until a decision from the Environmental Advisory Committee is obtained, and as such, requested the Committee consider deferral of the application.

Moved by J. Andrews and seconded by B. Birdsell,

“THAT Applications B-10/10, B-11/10, A-12/10, A-13/10 and A-14/10 for C. Wile at 94 Maple Street, 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.

**Application:**            **A-10/11**  
**Applicant:**            **Pidel Homes**  
**Agent:**                **Constantine Constantis**  
**Location:**            **55 Cox Court**  
**In Attendance:**       **Constantine Constantis**

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Constantis replied the notice sign was posted and comments were received from staff. He noted his wife was an interior designer who designs kitchens and bathrooms. He explained it is their intent to have customers to their home to an established accessory apartment to use as a showroom for her business. He distributed samples of design work his wife has completed. He advised the bedroom would be used as her office and the closet would be utilized for storage of her swatch samples. He explained she would get maximum six clients/week with no foot traffic.

Committee member R. Funnell questioned if the basement area would be used as a home based business vs. an accessory apartment.

Planner S. Laughlin noted staff has not reviewed this request as a home occupant and advised they may require further variances. She suggested the Committee may want to defer the application to enable staff to review this new information.

Mr. Constantis explained they would like a legal basement apartment if they should sell in the future.

Planner S. Laughlin noted staff will consider both options in their review.

Moved by P. Brimblecombe and seconded by J. Andrews,

“THAT Application A-10/11 for Pidel Homes at 55 Cox Court, 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.

Committee member J. Andrews, having declared a pecuniary interest for the next application, left the meeting.

**Application:** A-3/11  
**Applicant:** Anne Finnie  
**Agent:** Anne Finnie  
**Location:** 76 Dean Avenue  
**In Attendance:** Anne Finnie

The Secretary-Treasurer advised there was correspondence received with respect to the application, which was reviewed by Committee members.

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Ms. Finnie replied the notice sign was posted and comments were received from staff. She distributed her presentation for the benefit of the Committee members and read same as background for the application. With respect to the accessory apartment, she explained the apartment was constructed by the previous owner without a building permit and she has made application for a building permit for the existing finishes in order to legalize the unit. She advised she checked with municipal staff about the accessory building and was advised no building permit was necessary. She spoke with her neighbour about the proposed location of the building and was given the clearance to commence. She explained students from GCVI constructed the structure in their woodworking class and assembled the building on site.

Chair L. McNair questioned if the accessory unit would comply with existing and proposed By-law requirements.

March 8, 2011 C of A Minutes

Planner S. Laughlin replied the accessory unit would comply.

Chair L. McNair questioned why the applicant could not wait until the Ontario Municipal Board made a decision on the zoning regulations.

Mrs. Finnie replied Building Inspection staff have issued an Order to Comply to obtain a permit for the finishes, therefore an application was submitted to the Committee of Adjustment to allow for a building permit to be issued.

Committee member P. Brimblecombe questioned how the shed is anchored to the ground.

Mrs. Finnie replied the wood floor of the shed is bolted to paving stones.

Committee member P. Brimblecombe questioned if the applicant could address the overhang.

Mrs. Finnie advised there is a 4" overhang on the shed and she believes there is an encroachment on the neighbour's property of 2".

Committee member P. Brimblecombe noted he was trying to establish if shed could be moved to move the overhang to the property line.

Mrs. Campbell explained she did not support shed in her side yard and advised there was not information given to her about the size or the height of the shed. She advised that after the shed was construction there was concern how close it was to the lot line which encumbered her ability to maintain her fence. She contacted her surveyor with her concerns and even though he did not visit the property, he has indicated the measurements submitted with the application are inaccurate and not reliable. She advised there is a large rear yard which could accommodate the shed. She expressed further concern about the accessory apartment being constructed without a building permit.

Mrs. Finnie advised she is aware the shed overhang is encroaching on the abutting property and she is willing to remove that encroachment. She explained the measurements taken were from a survey of the abutting property and assured the Committee they were accurate. She noted a trellis was constructed on the fence by the previous owner of her house which is currently holding up the fence. She advised if the fence needs repaired or replaced it can be done from the abutting property.

Committee member B. Birdsell questioned if the Zoning By-law constitutes this as an accessory building as the Building Code does not classify this as a structure.

Planner S. Laughlin replied the Zoning By-law would classify this as an accessory structure. Committee member B. Birdsell noted that based on the information given the structure does appear to float on the concrete slab.

After discussion among Committee members, it was requested that each variance be dealt with separately.

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 P. Brimblecombe,

“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 Interim Control By-law (2010)-19019, to permit the establishment of a 57.5 square metre (619 square foot) accessory unit for 76 Dean Avenue, when the Interim Control By-law passed by City Council on June 7, 2010, which directed staff to undertake a review of the zoning regulations pertaining to accessory apartments and lodging houses in R.1 and R.2 zoned properties in portions of Ward 5 and all of Ward 6 for the purpose of recommending zoning amendments to address the issues associated with the concentration of shared rental housing, which has now been appealed to the Ontario Municipal Board, be refused.”

The motion would 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 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 Interim Control By-law (2010)-19019, to permit the establishment of a 57.5 square metre (619 square foot) accessory unit for 76 Dean Avenue, when the Interim Control By-law passed by City Council on June 7, 2010, which directed staff to undertake a review of the zoning regulations pertaining to accessory apartments and lodging houses in R.1 and R.2 zoned properties in portions of Ward 5 and all of Ward 6 for the purpose of recommending zoning amendments to address the issues associated with the concentration of shared rental housing, which has now been appealed to the Ontario Municipal Board, be approved.”

Carried.

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 P. Brimblecombe,

“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 76 Dean Avenue, to permit a 1.83 metre by 3.66 metre (6 foot by 12 foot) accessory building constructed in the left side yard to be located .03 metres (2 inches) from the left side lot line when the By-law requires an accessory building be located a minimum of 0.6 metres (1.96 feet) from any lot line, be approved, subject to the following conditions:

1. That within 45 days of the decision it be confirmed by an Ontario Land Surveyor that the roof of the accessory structure does not overhang the adjacent property or this decision will be considered null and void.”

Carried.

The meeting adjourned at 6:15 p.m.

L. McNair  
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 April 12, 2011 at 3:30 p.m. in Council Committee Room C, City Hall, with the following members present:

L. McNair, Chair  
R. Funnell  
P. Brimblecombe  
D. Kelly  
J. Andrews  
B. Birdsell (from 4:05 p.m.)

Regrets: A. Diamond

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

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Minutes from Last Meeting

Moved by R. Funnell and seconded by P. Brimblecombe,

“THAT the Minutes from the March 8, 2011 Regular Meeting of the Committee of Adjustment, be approved, as printed and circulated.”

Carried.

### Other Business

Chair L. McNair introduced adjustments to how the Agenda times are set. He expressed concern about some idle time at the start of meetings and he would like to see the agenda tightened up at the front of the meeting so less time is wasted.

The Secretary-Treasurer asked if the suggestion could be discussed with staff and ideas forwarded through in upcoming agenda.

**Application:** B-11/11  
**Applicant:** Guelph-Watson 5-3 Inc.  
**Agent:** Nick Gougoulis  
**Location:** 1 and 11 Starwood Drive  
**In Attendance:** Nick Gougoulis

Mr. Gougoulis replied he received staff comments and agreed with the recommendation. He noted they are essentially only extending the time frame for conditions into 2012.

There were no questions from the Committee.

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 R. Funnell and seconded by J. Andrews,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P23, as amended, permission for change of condition for Part Lot 5, Concession 3, Division ‘C’, more particularly described as Part 1, Reference Plan 61R-11049, known municipally as 1 Starwood Drive, to sever a parcel municipally known as 1 Starwood Drive, with a frontage of 56.92 metres (186.8 feet) along Starwood Drive and a depth of 66.3 metres (217.5 feet) along Watson Parkway, subject to a right-of-way over the retained parcel (11 Starwood Drive ) for ingress and egress to the subject property, be approved, subject to the following conditions:

1. That the owner develops the property in accordance with the approved site plan, within ninety (90) days of the decision.
2. That the owner submits a certificate from a Professional Engineer who designed the storm water management system, certifying that he/she supervised the construction of the storm water management system and that the storm water management system was built as it was approved by the City and that it is functioning properly, within ninety (90) days of the decision.
3. That the owner submits a grading certificate from a Professional Engineer or Ontario Land Surveyor, certifying that the site was graded in accordance with the overall Site Grading Plan and Erosion Control Plan approved by the City Engineer, within ninety (90) days of the decision.

4. That prior to endorsation of the deeds, the servient tenement (Proposed retained lands, 11 Starwood Drive), grants a right-of-way as shown on the approved site plan over the servient tenement (Proposed retained lands, 11 Starwood Drive), registered on title, in favour of the dominant tenement (Proposed severed lands, 1 Starwood Drive) for ingress and egress.
5. That prior to endorsation of the deeds, the owner's solicitor certifies that the access right-of-way, in favour of the dominant tenement (Proposed severed lands, 1 Starwood Drive) has been granted and registered on title, in perpetuity.
6. That prior to endorsation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying any right-of-ways and conveyances.
7. That prior to the endorsation of deeds an agreement be registered on title of the severed and retained lands requiring that the lands be developed comprehensively.
8. That prior to endorsation of the deeds, a blanket easement for access, parking, servicing and drainage be provided by the severed lands in favour of the retained lands.
9. That prior to endorsation of the deeds, a blanket easement for access, parking, servicing and drainage be provided by the retained lands in favour of the severed lands.
10. 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 15, 2012.
11. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
12. 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.
13. 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-21/11  
**Applicant:** Gamma Developments Ltd.  
**Agent:** Rod Greer  
**Location:** 374 Macalister Boulevard  
**In Attendance:** Larry Kostseff  
Rod Greer

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Greer replied he received the comments from staff and had no objection to the recommendations.

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. Andrews and seconded by D. Kelly,

“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) of Township of Puslinch By-law 19/85 for 374 Macalister Boulevard, to establish a sales trailer for a home builder for a period of three years when the use is not permitted in the Puslinch Township By-law, be approved, subject to the following conditions:

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 trailer be removed within three (3) years of the issuance of the building permit.
2. 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 necessary by the General Manager/City Engineer being paid, prior to the use of the property for a sales trailer.

3. That the owner pays the actual cost associated with the removal of the existing driveway entrance, the restoration of the boulevard with topsoil and sod and the required curb fill, as determined necessary by the General Manager/City Engineer being paid, prior to the sales trailer being removed from the site.
4. That prior to the use of the property for a sales trailer, the owner applies to the City Solicitor for a temporary licence agreement and obtains approval to obtain access to the property from MacAlister Boulevard over the 0.300-metre (1.0 foot) reserve.
5. That the owner enters into an Agreement registered on the title of the property prior to the issuance of a building permit, requiring that the sales office trailer be removed within three (3) years of the issuance of the building permit.
6. That prior to the issuance of a building permit for the sales trailer, a site concept plan be submitted to, and approved by the General Manager of Planning & Building Services and the City Engineer for the sales trailer and associated parking area indicating:
  - a) The location and design of the proposed sales trailer; and,
  - b) Grading, drainage and servicing information.”

Carried.

**Application:**            **A-17/11**

**Applicant:**            **Armel Corporation**

**Agent:**                **Chris Corosky**

**Location:**            **715 Wellington Street, West**

**In Attendance:**       **Chris Corosky**

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Corosky replied the notice sign was posted by staff at Armel Corporation and he received the comments from staff. He explained the SC.2 zone permits a variety of service commercial uses such as a veterinary service and kennel but does not permit pet food sales. He expressed concern with limiting the area of the use as the proposed tenant may want to expand at a

future date. He requested the Committee consider not restricting the size of the unit to 2,500 square feet.

Chair L. McNair questioned how many units the tenant will occupy at this time.

Mr. Corosky replied the units are between 900 to 1,500 square feet and the proposed tenant will occupy approximately 2,300 square feet.

Planner S. Laughlin noted staff is not supportive of the application without the recommended condition limiting the area of the use.

Chair L. McNair questioned if the boxed meat store is considered a retail component in the plaza.

Planner S. Laughlin replied there are a number of retail uses permitted in the plaza already.

Committee member J. Andrews noted if the business does want to expand the decision does not limit them from coming back to the Committee to increase the area of the use.

Chair L. McNair questioned if staff would object to increasing the maximum area to 3,000 square feet .

Planner S. Laughlin replied the 2,500 square foot maximum represents approximately 25% of the gross floor area of the mall buildings. She explained there are retail uses permitted as of right in the plaza and staff accept keeping retail uses as an accessory use to comply with the Official Plan. She noted other pet food stores the City are in Commercial zones, not Service Commercial zones.

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 P. Brimblecombe,

“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 6.4.3.2.5.1 of Zoning By-law (1995)-14864, as amended, for 715 Wellington Street, West, to permit a retail establishment for the sale of pet foods, pet related supplies and accessories and services, be approved, subject to the following condition:

1. That the total Gross Floor Area of the retail pet store be limited to a maximum of 232.25m<sup>2</sup> (2,500 sq. ft.).”

Carried.

**Application:** B-10/11  
**Applicant:** Ivan Noel  
**Agent:** Ivan Noel  
**Location:** 39 Wheeler Avenue  
**In Attendance:** Ivan Noel

Mr. Noel explained he purchased the property last year and was advised of the conditions related to the severance. He requested the Committee consider granting another year for him to complete the conditions.

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 R. Funnell and seconded P. Brimblecombe,

“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 endorstation 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 endorstation 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 Director of Planning and Development Services, prior to endorstation 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 endorstation 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 Director of Community Design and Development 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 Director of Community Design and Development 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) Grading, drainage and servicing information.
13. That the Owner receive a demolition permit and removes the existing detached garage prior to the endorstation 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 endorstation of the deeds, at the rate in effect at the time of the endorstation.
  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 the endorstation of the deeds, the owner shall enter into an agreement with the City, registered on title of the severed lands, agreeing to satisfy the above-noted conditions 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 April 15, 2012.
  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) or supplied on a compact disk.”

Carried.

Committee member B. Birdsell arrived at the meeting at 4:05 p.m.

**Application:** B-9/11  
**Applicant:** Lisa White  
**Agent:** Bruce Donaldson  
**Location:** 27 Forest Hill Drive  
**In Attendance:** Jeff White  
Bruce Donaldson

Mr. Donaldson, who represents the owner advised they have been working during the past year to satisfy the conditions of the severance. He noted they have completed field work on the property to determine the location of the storm sewer however there is a portion of the storm sewer pipe they have not been able to determine. He advised he met with City staff member Grant Ferguson and agreement was reached where City crews would attend the site in the spring and excavate to determine the pipe location. He requested the Committee consider refund of the application fee as the delay is a result of the need for City crews to attend the site to determine the location of the storm sewer. He further requested the Committee consider a recommendation that the City be responsible for all the costs associated with this investigation.

Committee member R. Funnell questioned why City staff are not satisfied with field work completed.

Mr. Donaldson replied there is a portion of the piping which would not be determined without excavation.

Committee member R. Funnell noted he would not feel comfortable dealing with any requests to amend conditions or any refund of application fees until City staff had an opportunity to respond to the request.

Chair L. McNair question if the applicant should be responsible for the cost for determining where the City sewer is? He further questioned if they need to excavate in order to prepare a reference plan?

Mr. Donaldson replied the expense is the scope and digging to determine the location which could cause damage to tree roots.

Planner S. Laughlin noted City staff are not satisfied with of the actual location identified on the reference plan. She noted the condition approved by the Committee on the application stated it is the applicant's responsibility.

Mr. Donaldson disagreed with the recommendation as it is the City's storm sewer that needs protected.

Chair L. McNair advised he would prefer to deal with the condition related to the costs at a future time after input from staff.

Secretary-Treasurer K. Fairfull suggested the Committee could consider the change of condition today to allow for the extension of the time frame and they could come back for another change of condition with no fee after investigation into the sewer location.

Chair L. McNair questioned if the works would be undertaken by City staff?

The Secretary-Treasurer advised she would speak with Grant Ferguson and bring this information back at a future meeting.

Committee member R. Funnell questioned if a history of the location of the storm sewer could be brought back to the Committee for review.

Mr. White advised when he severed the property 4 years ago, the actual storm sewer location was found when they excavated to connect the infiltration galleries as part of their storm water management. He noted considerable expense has occurred trying to determine the location of the storm sewer and if the City wants assurance they should be responsible for the expense.

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 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, permission for change of condition for Part of Lots 24 to 27, Registered Plan 39, to be known as 29 Forest Hill Drive,  
a) a parcel with a frontage along Forest Hill Drive of 11.67 metres (38.38 feet) and an area of 3,162 square metres (34,035.48 square feet);

- b) subject to a right-of-way and easement [Part 3 on a Sketch for Severance Application dated June 11, 2009 – Project 08-7865-2] to provide vehicular access to the attached garage and for protection of water service at 27 Forest Hill Drive;
- c) together with an easement [Part 4 on a Sketch for Severance Application dated June 11, 2009 – Project 08-7865-2] to provide sanitary service to 29 Forest Hill Drive,

be approved, subject to following conditions:

1. That prior to endorsation of the deeds, the owner shall determine the actual location of the 600mm storm trunk sewer across part of lots 25, 26 and 27, Registered Plan 39 and prepare a new reference plan showing the actual location of the 600mm storm trunk sewer and be responsible for the entire costs associated with the preparation and registration of the new reference plan.
2. That prior to endorsation of the deeds, the owner shall have the existing storm sewer easement registered as Instrument Number WC102397 released and be responsible for the entire costs associated with the release.
3. That prior to endorsation of the deeds, the owner shall grant a new 6.0-metre (19.69 feet) wide easement over the lands to be severed (Proposed Parcels 2 and 3) where the existing 600mm (24”) storm trunk sewer is located across part of lots 25, 26 and 27, Registered Plan 39, registered on title, in favour of the City of Guelph.
4. That prior to endorsation of the deeds, the dominant tenement (Proposed Severed Lands, Proposed Parcels 2 and 3), grants an irregular shaped right-of-way (Proposed Parcel 3) with a width of approximately 11.79-metres (38.68 feet) and 9.0-metres (29.53 feet) by approximately 27.54-metres (90.35 feet) and 11.75-metres (38.55 feet) for access to the off-street parking, in favour of the servient tenement 27 Forest Hill Drive (Proposed retained lands, Parcel 1).
5. That prior to endorsation of the deeds, the dominant tenement (Proposed Severed Lands, Proposed Parcels 2 and 3), grants an irregular shaped easement (Proposed Parcel 3) with a width of approximately 11.79-metres (38.68 feet) and 9.0-metres (29.53 feet) by approximately 27.54-metres (90.35 feet) and 11.75-metres (38.55 feet) for the existing water service lateral, in favour of the servient tenement, 27 Forest Hill Drive (Proposed retained lands, Parcel 1).
6. That prior to endorsation of the deeds, the dominant tenement, 27 Forest Hill Drive (Proposed retained lands, Parcel 1) grants an easement (Proposed Parcel 4) with a width of approximately 3.0-metres (9.84 feet) and approximately 5.0-metres (16.40 feet) by approximately 8.0-metres (26.25 feet) and 10.0-metres (32.81 feet) for the future sanitary sewer lateral, in favour of the servient tenement (Proposed severed lands, Proposed Parcel 2 and 3).

7. The owner applies for a sanitary lateral and pays the rate in effect at the time of application if the owner decides not to use the future sanitary sewer connection from the existing manhole located on the lands to be retained (Proposed Parcel 1), prior to the issuance of a building permit.
8. 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.
9. 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.
10. Prior to the issuance of a building permit on the lands, the owner shall have a Professional Engineer design a grading plan and storm water management system for the said lands, satisfactory to the City Engineer.
11. That the owner grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the stormwater management system was built as it was approved by the City and that it is functioning properly.
12. 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 endorstation of the deeds.
13. The applicant shall prepare a scoped Environmental Impact Study (EIS) based on terms of reference approved by the City and the Environmental Advisory Committee (EAC). The EIS must specifically address Section 6.5 Habitat of Endangered Species and Threatened Habitat. A three season inventory will be required to confirm the presence/absence of threatened or endangered flora and/or fauna prior to any grading, tree removal and prior to endorstation of the deeds.
14. That the elevation and design drawings for the new dwelling on the severed parcel be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwellings in order for staff to ensure that the design of the new dwellings respects the character of the surrounding neighbourhood.
15. That a site plan be submitted to, and approved by the Director of Community Design and Development Services and the City Engineer, prior to the issuance of a building permit for the new dwellings on the severed and retained parcels indicating:

- a) The location and design of the new dwellings;
  - b) All trees impacted by the development, identifying trees to be retained, removed or replaced and methods to protect the trees to be retained during all phases of construction;
  - c) That the location of the new dwellings maintains a setback that is in character with the surrounding area;
  - d) Grading, drainage and servicing information.
16. That a tree inventory and conservation plan be prepared to identify trees to be retained and removed. Specific efforts shall be made to retain the mature trees located on the subject property. Butternut trees must be retained with appropriate setbacks as established by the Ministry of Natural Resources. The tree conservation plan shall be submitted to and approved by the Director of Community Design and Development Services prior to any grading, tree removal and the issuance of a building permit for the new dwelling on the severed parcel;
17. 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 endorsonation of the deeds, at the rate in effect at the time of the endorsonation.
18. 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;
19. 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.
20. 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 15, 2012.
21. 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.

22. 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.
23. 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.

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

“THAT the Secretary-Treasurer request a detailed history on the storm sewer location on the property at 27 and 29 Forest Hill Drive and report back on the City’s position on the costs associated with the scoping for location of this storm sewer,  
and,  
That the Committee consider the application fee be waived for re-submission of the application for change of condition after the information is received,  
and,  
That the Committee consider consideration of refund of this application fee for change of condition at that time.”

Carried.

**Application:** A-19/11  
**Applicant:** Carl Ferraro  
**Agent:** Ryan Holtzhauer  
**Location:** 327 Woodlawn Road, West  
**In Attendance:** Ryan Holtzhauer

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Holtzhauer replied the notice sign was posted and comments were received from staff. He explained he is requesting permission for a permitted use variance to establish a proposed landscaping business on the property.

Committee member P. Brimblecombe questioned if the use would include a garden centre.

Mr. Holzhauser replied he would only be selling mulches and topsoil.

Committee member P. Brimblecombe questioned how they would respond to no office on site.

Mr. Holzhauser replied he plans to set up a wireless visa and will hand write the receipts. He noted he may want to put a small garden shed or trailer on the property in the future.

Committee member J. Andrews questioned if there would be any plant materials.

Mr. Holtzhauer replied he would be selling mulches and rocks only. He submitted a site plan to staff in response to their request.

Planner S. Laughlin noted staff wanted to review a concept plan and ensure accesses are in an appropriate location. She noted that as long as there are no buildings on the property formal site plan approval will not be required.

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

Moved by P. Brimblecombe and seconded by J. Andrews,

“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 6.4.3.4.50.1 of Zoning By-law (1995)-14864, as amended, for 327 Woodlawn Road, West, to permit a garden centre when the By-law permits a variety of commercial uses, but does not permit a garden centre, be approved, subject to the following conditions:

1. That the owner agrees to use the existing driveway entrance from Regal Road and have no access to the property from Woodlawn Road.
2. That the owner submits a site plan to the General Manager of Planning and Building Services and the General Manager/City Engineer showing the existing driveway entrance, proposed fencing, parking areas and the exact location of the various storage bin areas within thirty (30) days of the date of this decision, or this decision will be declared null and void of the decision; and,



3. That the owner shall develop the property in accordance with the approved site plan by June 30, 2011 or this decision will be declared null and void.
4. That permission for the garden centre use be granted for a maximum of three (3) years from the date of the decision. If the use extends beyond three (3) years, then further approvals will be required.
5. That no office building/structure/trailer be erected on-site as part of this approval. If an office building/structure/trailer is proposed then further approvals will be required.
6. That prior to the use of the site for a garden centre, a site concept plan be submitted to, and approved by the General Manager of Planning & Building Services and the City Engineer indicating:
  - a) The location and design of the site access points and parking areas (including parking space dimensions and aisles);
  - b) The location of any bins/structures proposed to contain the garden centre materials; and,
  - c) Grading, drainage and servicing information.”

Carried.

**Application:** B-12/11, B-13/11, B-14/11

**Applicant:** Lunor Group

**Agent:** Astrid Clos

**Location:** 294 Grange Rd

**In Attendance:** Shawn McGuire

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Ms. Clos replied the notice signs were posted and comments were received from staff. She submitted revised plans on the proposal identifying the road widening dedication requested by Engineering staff. She advised she was in agreement with the recommended conditions with the exception of the recommendation from Planning Services that the severance would not occur until the abutting neighbour agreed to change their municipal address. She explained three siblings and another owner own the abutting parcel and there have been difficulties

coming to any agreements with them. She requested the Committee remove this recommendation.

Planner S. Laughlin noted staff has requested clarification from the Legal Department if staff has the authority under the Municipal Act to change a municipal address. She noted there has been no response with an opinion to date. She distributed a draft addressing for the three subdivision and noted it is impossible to address the subject parcels without the consent of the abutting owner. She noted the addressing could not be staggered as it would not comply with the municipal addressing policy and would be of great concern with emergency services.

Chair L. McNair noted it is unreasonable to put a condition on the severance of a property which requires a non-direct party to reach an agreement.

Committee member J. Andrews suggested a revision to the condition for discussion whereby arrangements are to be made to change the municipal addressing, but not with the approval of the abutting land owner.

Planner S. Laughlin noted staff would not be supportive of the severance if the condition was removed in its entirety.

Ms. Clos agreed with the revision to the condition. She advised there is servicing occurring along Grange Road and they would like to take advantage of connecting the subject properties at the same time.

Application Number B-12/11

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 J. Andrews 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, Registered Plan 53, Grange Road, a parcel with a frontage of 9.62 metres (31.56 feet) along Grange Road and a depth of 32 metres (104.98 feet), be approved, subject to the following conditions:

1. That the owner and any mortgagees enter into a Subdivision Agreement with the City, registered on title, satisfactory to the City Solicitor, which contains conditions covering but not limited to:-
  - a) registration of agreement;

- b) payment of Development Charges;
  - c) gravity connection to the sanitary sewer for all dwellings;
  - d) payment of all outstanding debts owed to the City;
  - e) costs of design, construction and reconstruction of all services;
  - f) costs of design, construction and reconstruction of any road work;
  - g) scheduling of development and payment of costs;
  - h) preparation of an overall grading and drainage plan;
  - i) construction of erosion and sediment control facilities;
  - j) tree planting;
  - k) submission of a stormwater management plan and report;
  - l) the surface discharge of sump pumps;
  - m) cash-in-lieu of parkland.
  - n) submission of individual site plans.
2. That the developer 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 294 Grange Road as shown in red on the applicants site plan, prior to endorsonation of the deeds.
  3. That the developer shall connect the existing dwelling to the sanitary sewer main and water main to the satisfaction of the City Engineer and the City's Plumbing/Sewage System Inspector, prior to endorsonation of the deeds.
  4. That prior to the connection of the existing dwelling to the sanitary sewer main and watermain, 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. That prior to endorsonation of the deeds, the owner shall pay to the City their share of the actual cost of the existing downstream stormwater management system, existing watermain, sanitary sewer, storm sewer, roadworks, including sidewalks, boulevards, curb and gutter and any street lighting upgrades, across the frontage of the property, as determined by the City Engineer.
  6. That the developer 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.
  7. That the developer shall ensure that all telephone service and cable TV service in the lands shall be underground. The developer shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the lands, prior to endorsonation of the deeds.

8. That the addresses of the subject properties be modified in keeping with the City's Addressing Policy to the satisfaction of the General Manager of Planning & Building Services prior to deed endorsement.
9. That prior to the endorsement of deeds, the address of the retained parcel be modified in keeping with the City's Addressing Policy to the satisfaction of the General Manager of Planning & Building Services.
10. 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.
11. 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.
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. That prior to building or endorsement of the deed, the applicant makes arrangement for the underground hydro servicing to the severed parcels, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. An underground road crossing across Grange Road is required for the services to the three lots. This will be at the owner's expense.
14. 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 15, 2012.
15. 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.

16. 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.
17. 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-13/11

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 J. Andrews 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, Registered Plan 53, Grange Road, a parcel with a frontage of 9.62 metres (31.56 feet) along Grange Road and a depth of 32 metres (104.98 feet), be approved, subject to the following conditions:

1. That the owner and any mortgagees enter into a Subdivision Agreement with the City, registered on title, satisfactory to the City Solicitor, which contains conditions covering but not limited to:-
  - a) registration of agreement;
  - b) payment of Development Charges;
  - c) gravity connection to the sanitary sewer for all dwellings;
  - d) payment of all outstanding debts owed to the City;
  - e) costs of design, construction and reconstruction of all services;
  - f) costs of design, construction and reconstruction of any road work;
  - g) scheduling of development and payment of costs;
  - h) preparation of an overall grading and drainage plan;
  - i) construction of erosion and sediment control facilities;
  - j) tree planting;
  - k) submission of a stormwater management plan and report;

- l) the surface discharge of sump pumps;
  - m) cash-in-lieu of parkland.
  - n) submission of individual site plans.
2. That the developer 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 294 Grange Road as shown in red on the applicants site plan, prior to endorsement of the deeds.
  3. That the developer shall connect the existing dwelling to the sanitary sewer main and water main to the satisfaction of the City Engineer and the City's Plumbing/Sewage System Inspector, prior to endorsement of the deeds.
  4. That prior to the connection of the existing dwelling to the sanitary sewer main and watermain, 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. That prior to endorsement of the deeds, the owner shall pay to the City their share of the actual cost of the existing downstream stormwater management system, existing watermain, sanitary sewer, storm sewer, roadworks, including sidewalks, boulevards, curb and gutter and any street lighting upgrades, across the frontage of the property, as determined by the City Engineer.
  6. That the developer 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.
  7. That the developer shall ensure that all telephone service and cable TV service in the lands shall be underground. The developer shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the lands, prior to endorsement of the deeds.
  8. That the addresses of the subject properties be modified in keeping with the City's Addressing Policy to the satisfaction of the General Manager of Planning & Building Services prior to deed endorsement.
  9. That prior to the endorsement of deeds, the address of the retained parcel be modified in keeping with the City's Addressing Policy to the satisfaction of the General Manager of Planning & Building Services.
  10. 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.
11. 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 endorsonation of the deeds, at the rate in effect at the time of the endorsonation.
  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. That prior to building or endorsonation of the deed, the applicant makes arrangement for the underground hydro servicing to the severed parcels, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. An underground road crossing across Grange Road is required for the services to the three lots. This will be at the owner's expense.
  14. 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 15, 2012.
  15. 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.
  16. 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.
  17. 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-14/11

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 J. Andrews 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, Registered Plan 53, Grange Road, a parcel with a frontage of 9.62 metres (31.56 feet) along Grange Road and a depth of 32 metres (104.98 feet), be approved, subject to the following conditions:

1. That the owner and any mortgagees enter into a Subdivision Agreement with the City, registered on title, satisfactory to the City Solicitor, which contains conditions covering but not limited to:-
  - a) registration of agreement;
  - b) payment of Development Charges;
  - c) gravity connection to the sanitary sewer for all dwellings;
  - d) payment of all outstanding debts owed to the City;
  - e) costs of design, construction and reconstruction of all services;
  - f) costs of design, construction and reconstruction of any road work;
  - g) scheduling of development and payment of costs;
  - h) preparation of an overall grading and drainage plan;
  - i) construction of erosion and sediment control facilities;
  - j) tree planting;
  - k) submission of a stormwater management plan and report;
  - l) the surface discharge of sump pumps;
  - m) cash-in-lieu of parkland.
  - n) submission of individual site plans.
2. That the developer 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 294 Grange Road as shown in red on the applicants site plan, prior to endorstation of the deeds.
3. That the developer shall connect the existing dwelling to the sanitary sewer main and water main to the satisfaction of the City Engineer and the City's Plumbing/Sewage System Inspector, prior to endorstation of the deeds.



4. That prior to the connection of the existing dwelling to the sanitary sewer main and watermain, 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. That prior to endorsation of the deeds, the owner shall pay to the City their share of the actual cost of the existing downstream stormwater management system, existing watermain, sanitary sewer, storm sewer, roadworks, including sidewalks, boulevards, curb and gutter and any street lighting upgrades, across the frontage of the property, as determined by the City Engineer.
6. That the developer shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the lands, prior to endorsation of the deeds.
7. That the developer shall ensure that all telephone service and cable TV service in the lands shall be underground. The developer shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the lands, prior to endorsation of the deeds.
8. That the addresses of the subject properties be modified in keeping with the City's Addressing Policy to the satisfaction of the General Manager of Planning & Building Services prior to deed endorsation.
9. That prior to the endorsation of deeds, the address of the retained parcel be modified in keeping with the City's Addressing Policy to the satisfaction of the General Manager of Planning & Building Services.
10. 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.
11. 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.

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. That prior to building or endorsation of the deed, the applicant makes arrangement for the underground hydro servicing to the severed parcels, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. An underground road crossing across Grange Road is required for the services to the three lots. This will be at the owner's expense.
14. 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 15, 2012.
15. 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.
16. 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.
17. 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-10/11**

**Applicant:**             **Pidel Homes**

**Agent:**                 **Constantine Constantis**

**Location:**             **55 Cox Court**

**In Attendance:**       **Constantine Constantis**

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Constantis replied the notice sign was posted and comments were received from staff. He noted it was their intent to create a home office on the main floor for his wife's interior decorating business and a showroom kitchen and bathroom in the basement area for her clients to get a visual of her work. He noted they considered using their main kitchen however this would result in increased traffic in their living area.

Committee member D. Kelly questioned if there will be plumbing hook-ups to the kitchen and bathroom.

Mr. Constantis replied the kitchen and bathroom will be fully functional to demonstrate the operation of faucets some customers may consider purchasing. He noted the builder as already roughed-in water lines to the basement area.

Chair L. McNair noted the applicant could delay the installation of the kitchen or bathroom until the Interim Control By-law was removed.

Mr. Constantis noted if they ever do sell the house they do not want to remove the ability for an accessory apartment to remain. He explained a previous application was considered and approved by the Committee on Cox Court for a similar circumstance where his wife baked cakes. He explained they previously resided on Goodwin Drive and because the business is growing they required a larger area for their showroom.

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. Andrews

"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 Interim Control By-law (2010)-19019 for 55 Cox Court, to establish a 73.02 square metre (786 square foot) accessory apartment when the Interim Control By-law in place does not permit the establishment of an accessory unit for any R.1 and R.2 zoned properties in Ward 6, be refused."

Carried.

**Application:** A-16/11  
**Applicant:** Don Zuccala  
**Agent:** Eric Small  
**Location:** 11 Howitt Street  
**In Attendance:** Don Zuccala  
Eric Small

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Small replied he posted the notice sign and received the comments from staff for the application. He questioned if the concern from staff deals with the contents of the addition or the setback from the rear lot line.

Planner S. Laughlin replied the dwelling contains two units and staff is questioning what the addition would be used for. She noted that once floor plans of the dwelling and the addition are reviewed staff will comment on the rear yard variance.

Mr. Small explained the addition will contain two bedrooms as an addition to a one bedroom unit and the basement area would be used for storage. He assured the Committee the main unit would be comprised of a maximum of three units.

Committee member D. Kelly noted submission of the floor plans for the dwelling and addition would assist the Committee in making a decision.

Moved by D. Kelly and seconded by J. Andrews,

“THAT Application A-16/11 for Don Zuccala at 11 Howitt Street, be deferred sinedie to allow for submission of floor plans for the existing dwelling and proposed addition, 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-15/11  
**Applicant:** Pierre Sandor

**Agent:** Pierre Sandor

**Location:** 572 Edinburgh Road, South

**In Attendance:** Pierre Sandor  
Mark Wiczorek

The Secretary-Treasurer advised there were numerous emails received in response to the public circulation which were included in the member's package.

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

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

Committee member D. Kelly questioned if the applicant was aware staff are requesting deferral of the application.

Mr. Sandor replied he is in no rush and agreed to deferral of the application.

The Committee assured the neighbours would be re-circulated with the application.

Moved by J. Andrews and seconded by D. Kelly,

"THAT Application A-15/11 for Pierre Sandor at 572 Edinburgh Road, South, be deferred sinedie to allow for submission of floor plan drawings for staff to review, 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-8/11

**Applicant:** Angelique Massie

**Agent:** Angelique Massie

**Location:** 54 Dominion Drive

**In Attendance:** Angelique Massie

**Matthew Massie**

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Massie replied the notice sign was posted and comments were received from staff. He explained they would like a shower and wet bar in their basement and am unclear why they need to apply for an accessory apartment. He noted they are willing to remove the sink as they want to sell their house this summer. He noted the City approved a rough-in for sink and shower in the basement with no concerns about the use of the unit.

Committee member D. Kelly requested clarification on what is located in the basement area.

Mr. Massie replied there is one bedroom as the second room has no closet and as such is not considered a bedroom. He noted the area is currently not being used.

Committee member B. Birdsell questioned if there were windows located in these rooms.

Mr. Massie replied both rooms have windows.

Committee member R. Funnell questioned what triggered the application to the Committee of Adjustment.

Mr. Massie replied the Building Inspector advised they would have to apply for an accessory unit because they wanted to retain the shower and wet bar. He noted there is a kitchen counter there along with a dishwasher.

Planner S. Laughlin noted if there is sleeping quarters, a bathroom and wet bar it considered an accessory apartment.

Mr. Massie noted they are willing to remove the bedrooms in the basement.

Committee member J. Andrews suggested the applicant meet with staff on what renovations would be required to meet By-law 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 P. Brimblecombe and seconded by J. Andrews,

“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 and Interim Control By-law Number (2010)-19019, for 54 Dominion Drive, to permit a 109.07 square metre (1,174 square foot) accessory apartment when the By-law limits the size of accessory units to a maximum of 80 square metres (86.11 square feet) in floor and to permit the establishment of an accessory unit in Ward 6 when the Interim Control By-law in place does not permit the establishment of an accessory unit for any R.1 and R.2 zoned properties in Ward 6, be refused.”

Carried.

**Application:** A-4/11

**Applicant:** Allison Christie

**Agent:** Allison Christie

**Location:** 47 Grange Street/55 Hillcrest Drive

**In Attendance:** Mr. and Mrs. Coulman  
Allison Christie  
Dale Bonnett  
Tormasi Geza

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Ms. Christie replied she has resided in this coach house for 23 years. He explained she was recently married and they wish to start a family and require more living space which will include a basement. She explained they originally investigated constructing the addition to the rear of the coach house and retained an arborist for their opinion if it would affect a mature maple tree. He recommended they construct the addition on piers or the tree would be damaged. She explained the coach house is setback 59 feet from Hillcrest Drive so they revised their plans and interior layout for the addition to be constructed to the front of the coach house.

Mrs. Judy Coulman who was speaking on behalf of her and her husband, owners of 53 Hillcrest Drive. She explained they have resided there since 1966 and noted the proposed construction at 55 Hillcrest Drive will significantly and negatively impact their house. She explained they have made significant improvements to their home over the past 45 years and would like to remain in their home due to the proximity to St. George’s Park. She noted they have a large bay window to the side of their dwelling with a view of St. George’s Park and the proposed addition would have a significant impact on this window.

Mr. Gaza Tormasi explained he is the son-in-law of the Coulmans. He advised he reviewed the file and two matters jumped out. He noted that when reviewing the zoning regulations of this zone a minimum 1.5 metre side yard is required. He further noted the 2 foot setback from the lot line requested by the applicant will have a potential impact on 53 Hillcrest Drive. He noted constructing any addition 2 feet from the lot line would result in 53 Hillcrest becoming part of the job site with the scaffolding required. He explained it is a large site and there are other options for expansion of the coach house. He suggested the Committee consider other alternatives for the addition and maintain a minimum 5 foot clearance to the property line at 53 Hillcrest Drive.

Mrs. Coulman explained they support the right to construct an addition and noted the applicant has been open on what they intend to do and they have expressed their concerns with them.

Members of the Committee questioned if the suggested alternatives have been discussed with the applicant.

Ms. Christie replied a basement could not be included in any addition to the rear within destroying the mature maple, an addition to the side would restrict access for her parents in the adjacent house at 47 Grange Street.

Committee member L. McNair questioned how deep would the excavation will be.

Ms. Christie replied the basement would have 9'10" ceilings.

Mr. Geza suggested consideration be given to locating the addition a minimum of 5 feet from the By-law as stated in the by-law.

Mrs. Coulman noted less than 10' of rear yard would be affected compared to massive addition in their front yard.

Planner S. Laughlin noted the canopy of the tree suggested in the drawings is much larger than what is illustrated.

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 J. Andrews,

“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 47 Grange Street/55 Hillcrest Drive, to construct a 8.15 metre by 6.04 metre (26.75 foot by 19.85 foot) two storey addition to the two storey brick coach house (55 Hillcrest



Drive), which will be situate 0.6 metres (2 feet) from the right side lot line and 6.46 metres (21.29 feet) from the Hillcrest Drive property line, be approved, subject to the following condition:

1. That prior to issuance of a building permit, the owner make satisfactory arrangements with the Technical Services Department of the Guelph Hydro Electric Systems Inc. for the new service to 55 Hillcrest Drive via an overhead service from Hillcrest Drive. The servicing coming from 47 Grange Street to 55 Hillcrest Drive is to be removed. This is all to be at the owner's expense."

Carried.

**Application:** A-13/11

**Applicant:** Mansoor Vezvaie

**Agent:** Mansoor Vezvaie

**Location:** 387 Ironwood Road

**In Attendance:** Mansoor Vezvaie  
Deb Maskens  
Herman deBoer  
Peter Buzanis  
John Caron  
Bob and Maria Podger

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Vezvaie replied the notice sign was posted and comments were received from staff. He provided background on the three variances requested. He advised the building permit drawings submitted clearly identified the building was attached. He noted he has rented out rooms in his home to supplement his income after a divorce. He noted he rents 2-3 bedrooms on the second floor and rents an accessory unit in the basement which existed when he purchased the dwelling. He noted he retained a contractor to install his furnace and 2-3 inspectors visited the house when he installed the furnace in the garage and gave their clearance.

Chair L. McNair reviewed the building permit and noted the rear building is described as a rear yard shed. He advised the drawing clearly identifies the building as being detached and unheated. He questioned if the shed was heated or insulated.

Mr. Vezvaie replied he has purchased the insulation but not installed it and the heat duct work has been installed.

Planner S. Laughlin produced the notes from the building inspector which did not identify the connection at foundation inspection however it was noted at framing inspection and an Order to Comply was issued shortly thereafter. She noted the building was finished after the Order to Comply was issued.

Committee member D. Kelly, when reviewing the building permit, questioned if there was any heating or insulation in the rear addition.

Planner S. Laughlin noted the Order to Comply states there was work carried out without a building permit, specifically a window/door, heating, plumbing and attaching the shed to the house.

Mr. Vezvaie replied he applied for a building permit to install heating and insulation in the building after the Order was issued. He noted he did not install any plumbing but has installed heating ducts.

Chair L. McNair questioned if the owner anticipated using the building for more than a shed.

Mr. Vezvaie replied he intends to use the space for a workshop and an office.

Committee member B. Birdsell cautioned the owner those plans would require a change to the building permit.

Committee member P. Brimblecombe questioned if the shed can be accessed from the dwelling.

Mr. Vezvaie replied the shed can only be accessed from the outside. He noted the framing of the shed is bolted to the concrete at the back of the house.

Committee member R. Funnell questioned if the accessory apartment had any building permits.

Mr. Vezvaie replied he purchased the dwelling with the accessory apartment. He advised there was a kitchen sink installed on the second floor so he rented out rooms on the second floor. He advised he intends to remove the kitchen from upstairs and receive the required approvals for the accessory apartment.

Committee member J. Andrews questioned if the accessory unit would comply with the proposed recommendations approved by City Council.

April 12, 2011 C of A Minutes

Planner S. Laughlin replied staff is unsure if the proposal will comply with proposed By-law regulations as it is unclear how many bedrooms will remain in the dwelling and a separation distance may be in effect.

Deb Maskens who resides at 7 Hilldale Crescent explained she resides to the rear of the subject property. She explained in excess of 45 emails and letters have been received from surrounding neighbours in objection to the proposal. She stated their concerns are clearly identified in the correspondence and requested the variances be refused.

Mr. John Caron questioned if the letter from the Old University Residents Association was received and reviewed.

Committee members advised their correspondence was received and reviewed.

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

Moved by P. Brimblecombe and seconded by J. Andrews,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Table 5.1.2-Row 7 and Section 4.13.3.2.2 of Zoning By-law (1995)-14864, as amended and Interim Control By-law (2010)-19019 for 387 Ironwood Road,

- a) To permit the establishment of a 62.43 square metre (672 square foot) accessory unit when the Interim Control By-law passed by City Council on June 7, 2010 does not permit the establishment of an accessory unit for any R.1 and R.2 zoned properties in Ward 6,
- b) To permit a 4.24 metre by 10 metre (13.91 foot by 32.83 foot) addition to the rear of the dwelling to be located 1 metre (3.28 feet) from the left side lot line when the By-law requires building additions be situate a minimum of 1.5 metres (4.92 feet) from any lot line, and,
- c) To permit the off-street parking space within the attached garage to have a depth of 5 metres (16.4 feet) to accommodate a furnace room constructed to the rear of the garage when the By-law requires the off-street parking space within the attached garage have a minimum depth of 6 metres (19.68 feet),

BE REFUSED.”

Carried.

**Application: A-18/11**

**Applicant:** Mark and Catharine Lough

**Agent:** Mark Lough

**Location:** 12 Mary Street

**In Attendance:** Mark and Catharine Lough  
John Caron  
Tom King  
Helen Hoy  
Gladys Phillips  
Jean Simpson  
Roy Allingham  
Lynn Allingham

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Lough replied the notice sign was posted and comments were received from staff. He requested the Committee withdraw his request for a right side yard variance as he is willing to comply with the 1.5 metre side yard requirement. He explained they started the process 15 months ago with plans for an addition trying to incorporate the original cottage into the design. He advised they wanted to respect the existing setback of the dwelling and the detached garage, which will be demolished. He explained he circulated drawings of the proposal along with a handout explanation what their future plans are for the property.

Planner S. Laughlin explained Planning staff has no objection to the other variances but did have concern with the side yard variance.

Roy Allingham who resides at 18 Mary Street expressed his concern about the height of the addition. He submitted pictures from this second storey window demonstrating what the proposed addition would look like. He advised he does not feel the proposed development fits into development in the neighbourhood.

Lynn Allingham explained they share a tree along their lot line which will be affected by the proposed addition. She advised she met with a representative from the University of Guelph and was advised the tree could last another century if not disturbed by development. She noted their gardens were part of the healthy landscapes tour and facing a three storey wall is very distressing.

Jean Simpson advised she resides across the street from the subject property. She expressed her concern there was no relation between the existing house and the proposed addition which is totally out of character with the street.

April 12, 2011 C of A Minutes

Helen Hoy explained they reconstructed their home at the corner of Mary Street and Water Street. She requested the Committee reject the variances requested to re-consider a design that is sympathetic to the designs in the neighbourhood. She noted there is no logic for two buildings to be linked by a glass causeway and with the property being rental it opens the doors for the creation of a second unit.

Chair L. McNair questioned if there was a regulation respecting lot coverage in an R.1B zone.

Planner S. Laughlin replied there is no regulations for lot coverage for main buildings.

Committee member J. Andrews questioned if there was concern from staff respecting the construction relative to the mature tree.

Planner S. Laughlin noted staff has recommendations in their comments related to the protection of the tree.

Mr. Allingham noted there is conflicting opinion about the health of the tree if a retaining wall is constructed.

Committee member R. Funnell questioned if staff would require a letter from the owner of 18 Mary Street if the side yard variance was withdrawn.

Planner S. Laughlin replied staff would prefer the condition remain.

Chair L. McNair expressed concern about a third party having control over whether the variance would be granted. He questioned if Mr. Allingham is willing to work with the applicant respecting modifications to the tree.

Mr. Allingham replied he would work with the applicant under the supervision of an arborist.

Committee member D. Kelly requested the variances be voted on separately as she is not willing to support the rear yard variances. She advised one of the tests the Committee members must consider is impact on the neighbours and desirability and while the applicant can construct three storeys it will have great impact on the adjacent neighbour.

#### 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 J. Andrews,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Table 5.1.2-Row 7 and Sections 5.1.2.7.(i), 5.2.1.8. and 4.13.2.1. of Zoning By-law (1995)-14864, as amended, for 12 Mary Street,

- a) to construct a second storey addition on the rear portion of the original cottage in line with the existing building walls to be located .96 metres (3.16 feet) from the left side lot line when the By-law requires any additions be situate a minimum of 1.5 metres (4.92 feet) from the side lot line, and,
- b) to permit the addition (garage) to be situate 5.5 metres (18 feet) from Mary Street. When the By-law requires the off-street parking space (attached garage) be situate a minimum of 6 metres (19.68 feet) from the street property line,

be approved, subject to the following conditions:

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 concrete porch, concrete stairs and wrought iron railings on the Mary Street road allowance.
2. That a letter be provided to the satisfaction of the General Manager of Planning & Building Services from the owner of the adjacent property to the south, 18 Mary Street indicating that they are aware of how the sugar maple will be impacted by the proposed development at 12 Mary Street and give the owner of 12 Mary Street permission to modify the tree, prior to issuance of a building permit.
3. That prior to the issuance of a building permit, tree protection fencing be installed/erected on-site and inspected by Planning Staff.
4. That a letter be received from a Certified Arborist confirming that they have been retained by the owner to be on-site to monitor construction when it is occurring in proximity to trees and, further, that all of the ‘Recommendations for Tree Preservation and Protection’ identified in the March 10, 2011 Tree Inspection letter from About & Associates will be implemented.”

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 J. Andrews 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 5.1.2- Row 8 of Zoning By-law (1995)-14864, as amended, for 12 Mary Street,

- a) to construct a 4.04 metre by 13.41 metre (13.25 foot by 44 foot) three storey addition containing a garage and additional living area to be situate 1.09 metres (3.6 feet) from the rear lot line when the By-law requires a minimum rear yard of 4.02 metres (13.2 feet), and

be approved, subject to the following conditions:

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 concrete porch, concrete stairs and wrought iron railings on the Mary Street road allowance.
2. That a letter be provided to the satisfaction of the General Manager of Planning & Building Services from the owner of the adjacent property to the south, 18 Mary Street indicating that they are aware of how the sugar maple will be impacted by the proposed development at 12 Mary Street and give the owner of 12 Mary Street permission to modify the tree, prior to issuance of a building permit.
3. That prior to the issuance of a building permit, tree protection fencing be installed/erected on-site and inspected by Planning Staff.
4. That a letter be received from a Certified Arborist confirming that they have been retained by the owner to be on-site to monitor construction when it is occurring in proximity to trees and, further, that all of the ‘Recommendations for Tree Preservation and Protection’ identified in the March 10, 2011 Tree Inspection letter from Aboud & Associates will be implemented.”

Carried.

The meeting adjourned at 8:15 p.m.

L. McNair  
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 April 26, 2011 at 3:30 p.m. in Meeting Room 112, City Hall, with the following members present:

L. McNair, Chair  
R. Funnell  
P. Brimblecombe  
D. Kelly  
B. Birdsell (until 4:40 p.m.)  
A. Diamond

Regrets: J. Andrews

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

Declarations of Pecuniary Interest

Committee member B. Birdsell declared a pecuniary interest for application A-24/11 at 61 Rickson Avenue as the applicant is a former client.

There were no further declarations of pecuniary interest.

Minutes from Last Meeting

Moved by B.Birdsell. and seconded by P.Brimblecombe,

“THAT the Minutes from the April 12, 2011 Regular Meeting of the Committee of Adjustment, be approved, as printed and circulated.”

Carried.

Other Business

No other business to record.



April 26, 2011 C of A Minutes

**Application:** A-14/11  
**Applicant:** Robert Gobbi  
**Agent:** James Laws, Van Harten Surveying  
**Location:** 24 Barton Street  
**In Attendance:** James Laws

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Laws replied that the sign was posted in the front yard and staff comments were also received.

Chair L. McNair commented that there was no sign posted today either in the front yard or window.

Mr. Laws replied that he had someone post the sign, he is unsure what happened. He is asking for a variance from the required 6.1 metres to 5.8 metres in the rear yard. After the house was built, the size of the house was different and it ended up being a longer house. They did not know about the problem until the house was built and final property survey was done.

Chair L. McNair questioned if the house was not built as per building permit requirements?

Mr. Laws replied the submitted site plan indicated the required setback but the house was not built as per site plan.

Committee member P. Brimblecombe questioned if the building permit specifies what the rear yard requirement is?

Mr. Laws advised the house was longer than what was originally planned. They discovered it was a very rocky site and the survey pins were knocked out.

Committee member P. Brimblecombe commented that this happens sometimes where applications are received for a variance after the fact and the Committee cannot control the situation since the house is already built.

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 Row 8 of Table 5.1.2 of Zoning By-law (1995)-14864, as amended, for 24 Barton Street, to permit a residential dwelling to be situated 5.8 metres (19.03 feet) from the rear lot line when the By-law requires a minimum rear yard of 6.1 metres (20.01 feet), be approved.”

Carried.

**Application:** A-23/11  
**Applicant:** Gary Fischer  
**Agent:** Gary Fischer  
**Location:** 42 Central Street  
**In Attendance:** Gary Fischer  
Allan Wheatley  
Mark Hendrey

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Fischer replied the sign was posted and staff comments were also received. He explained that the house is in bad repair and he is trying to make the inside better. He also explained the need to expand.

Committee member R. Funnell questioned if he is encroaching on the neighbour's side with the proposed addition.

Mr. Fisher explained it is not going to encroach; the addition is 3 feet away from property line and is flush with the house. There is 6 feet in between the houses in total.

Chair L. McNair commented that the porch eave overhangs the neighbour's side.

Mr. Hendrey is the next door neighbour at 40 Central Street. He commented that he has no objections to the addition being built. His interest is to maintain the house as a single family 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 B. Birdsell and seconded by Ray 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 Row 7 Table 5.1.2 of Zoning By-law (1995)-14864, as amended, for 42 Central Street, to permit a dormer addition on the second floor situated 0.96 metres (3.16 feet) from the left side property line when the By-law requires a minimum of 1.5 metres (4.92 feet), be approved.”

Carried.

**Application:** A-25/11

**Applicant:** Michael Craig

**Agent:** Gavin Baxter

**Location:** 47 Meadowview Avenue

**In Attendance:** Gavin Baxter  
Michael Craig  
Mary-Kate Gilbertson  
Beth Parks

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Baxter replied that the sign was posted and staff comments were received. The application is for a renovation on an older home. The existing dormer is facing Meadowview Avenue. He explained they have a growing family and would like to increase square footage in the second floor. The roof needs to be fixed anyway. The old stone porch at the front has accessibility issues, and is in need of repairs. They would like to take it down and are then able to enter the home easier as opposed to its location right now. He explained that they have taken what staff has said in their comments and moved on those points. He showed a letter he received from an arborist regarding trees.

Committee member D. Kelly questioned the letter from arborist. The letter indicates that the front tree will need to be removed at some point. What are your comments on that?

Mr. Baxter explained the tree is about 50 years old and it could impact the foundation. They would like to save the tree as much as possible but down the road they will have to deal with it. Maybe we will take it down and plant new trees which have actually already happened on the property. We are still hoping we can work with the tree.

Chair L. McNair commented that Planning has included comments regarding the trees.

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, seconded by P. Brimblecombe,

“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 5.1.2.7. i) and Table 4.7 Row 3 of Zoning By-law (1995)-14864, as amended, for 47 Meadowview Avenue,

- a) to permit a dormer addition to be situate 1.99 metres (6.52 feet) from the front lot line when the By-law requires average of the setbacks within the City Block Face [9.9 metres (32.48 feet) from Meadowview Avenue]
- b) to permit the dormer addition to be 0.44 metres (1.44 feet) from the side lot line when the By-law requires 1.5 metres (4.92 feet)
- c) to permit a 1.87 metre by 6.09 metre (6.16 foot by 20 foot) roofed porch to the front of the dwelling to be situate 0.12 metres (0.39 feet) from the front lot line when the By-law requires a roofed porch be setback a minimum of 2 metres (6.56 feet) from the front lot line
- d) to permit a 1.87 metre by 6.09 metre (6.16 foot by 20 foot) roofed porch to the front of the dwelling to project 9.78 metres (32.09 feet) in to the required setback/1.87 metres (6.13 feet) from the front building wall when the By-law requires a maximum projection of 2.4 metres (7.87 feet) into the required setback [9.89 metres (32.48 feet)],

be approved subject to the following conditions:

1. Should the applicant wish to retain the existing tree, that a Certified Arborist evaluate the health of the existing tree and determine how the proposed porch will impact the long term health of the tree. Prior to the issuance of a building permit for

the proposed porch, an arborist report prepared by Certified Arborist addressing the above issues be submitted to the General Manager of Planning & Building for review and approval.

OR

2. Should the applicant wish to remove the tree, that prior to the issuance of a building permit for the proposed porch, a site concept plan showing compensation planting for the removed tree be submitted to and approved by the General Manager of Planning & Building.
3. 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 secondary service to the house at the owners expense."

Carried.

**Application:** A-22/11  
**Applicant:** Helen Petrie  
**Agent:** Helen Petrie  
**Location:** 9 Hardy Street  
**In Attendance:** Helen Petrie

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

H. Petrie replied the sign was posted and she did receive staff comments. She explained that the dwelling is a bungalow with an open basement area. The room would be of no use with the wall that needs to go up as per building permit application. The driveway was existing when she bought the house.

Committee member A. Diamond questioned if the required wall would leave the room unusable.

H. Petrie replied yes, the room would not really be of any use. The basement has two bedrooms.

Planner S. Laughlin presented a floor plan of the basement indicating where a wall needs to go up.

With the new wall, you would put an actual entrance door to the apartment to comply with the regulations.

Committee member P. Brimblecombe questioned if Planning Services find it acceptable to have the wall erected to make the apartment smaller.

Planner S. Laughlin replied they would still need a variance for the driveway width. Planning rarely supports driveway widening.

Chair L. McNair questioned if it's unreasonable to have a double width driveway if the dwelling has a two car garage.

Planner S. Laughlin commented that Planning does not recommend wider driveway widths than what is allowed which in this case is 40% of the front yard.

Committee member D. Kelly noted that when the house was bought, the driveway width was as is today, but she questioned whether the accessory apartment also existed.

H. Petrie replied it did not exist; she put the apartment in the basement.

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, seconded by P. Brimblecombe,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that variances from the requirements of Section 4.15.1.5 and Row 12 of Table 5.1.2 of Zoning By-law (1995)-14864, as amended for 9 Hardy Street

- a) to permit an 106.74 square metre (1149 square foot) accessory apartment when the By-law requires a maximum of 80 square metres (861.11 square foot) in floor area
- b) to permit a 5.48 metre (18 foot) wide driveway when the By-law requires a maximum of 40% of the front yard [4.68 metres (15.35 feet)],

be approved."

Motion would not carry.

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 D. Kelly, 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, that variances from the requirements of Row 12 of Table 5.1.2 of Zoning By-law (1995)-14864, as amended for 9 Hardy Street to permit a 5.48 metre (18 foot) wide driveway when the By-law requires a maximum of 40% of the front yard [4.68 metres (15.35 feet)], be approved.”

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 D. Kelly, seconded by P. Brimblecombe,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that variance from the requirement of Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended for 9 Hardy Street to permit an 106.74 square metre (1149 square foot) accessory apartment when the By-law requires a maximum of 80 square metres (861.11 square foot) in floor area, be refused.”

Carried

**Application: A-26/11**

**Applicant: Gary and Joanne Grewal**

**Agent: Gary Grewal**

**Location:** 37 McGarr Court

**In Attendance:** Gary Grewal

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Grewal replied that two signs were posted in the front and side windows. Staff comments were also received. He explained he is asking for a variance for a portion of a swimming pool which will be located in the exterior side yard. There is an infiltration gallery which runs at the back of the property and he needs to stay back from those.

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

Moved by P. Brimblecombe, seconded D. Kelly,

“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 4.5.5.1 of Zoning By-law (1995)-14864, as amended for 37 McGarr Court to permit a portion of an in-ground swimming pool in the required exterior side yard when the By-law requires that no outdoor swimming pool shall be located in any part of a front or required exterior side yard, be approved.”

Carried.

**Application:** A-20/11

**Applicant:** Sheila and Gerald Morgan

**Agent:** Sheila and Gerald Morgan

**Location:** 72 Kortright Road East

**In Attendance:** Sheila Morgan  
Gerald Morgan



Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Mrs. Morgan replied that the sign was posted and they also received staff comments. She explained that they originally made a variance application for an accessory apartment which was constructed in 1996. The 1000 square foot apartment in the basement has three bedrooms. They applied for a variance for a three bedroom accessory apartment in Ward 5. They are now asking for deferral upon talking to several people that three bedrooms is not going to pass. They are able to remove one bedroom and have it as part of the main unit instead. She further explained that they could not present the revised application today because of necessary circulation for amended notices and a revised sign also needs to be posted. She was asking if they could come back to the May 10, 2011 meeting with revised information.

Chair L. McNair questioned if the current driveway width is more than 25 feet.

Mrs. Morgan replied that it probably is.

Chair L. McNair commented that he noticed there is a hard surface adjacent to the driveway on both sides. If you can park on it, it is considered to be part of the driveway.

Committee member D. Kelly commented if we are deferring the whole application, committee member J. Andrews is not here today and he would likely want to hear all this.

Chair L. McNair explained the driveway width should be part of revised application when deferred.

Mr. G. Morgan mentioned the driveway is 20.9 feet wide plus five foot wide patio slabs on both sides of driveway.

Planner S. Laughlin commented that Zoning staff can inspect driveway width to confirm numbers.

Secretary-Treasurer K. Fairfull commented that after driveway width and required landscaped area is confirmed by Zoning, we can re-circulate notices with revised variances if required.

Moved by P. Brimblecombe, seconded by R. Funnell,

“THAT Application A-20/11 for Gerald and Sheila Morgan at 72 Kortright Road East, be deferred to the May 10, 2011 meeting to allow for circulation of the amended application and that the deferral application fee be paid prior to reconsideration of the application.”

Carried.

Bill Birdsell left the meeting at 4:40 p.m.

**Application:** A-24/11

**Applicant:** Scott McGillivray and Michael Sarracini

**Agent:** Melissa Osborne

**Location:** 61 Rickson Avenue

**In Attendance:** Scott McGillivray  
Michael Sarracini  
Bill O'Reilly

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Sarracini replied the sign was posted and staff comments were received. He explained they are applying for three variances. The current driveway is too wide due to tenants parking on the front lawn. He explained they put down decorative 18inch patio stones adjacent to the driveway and that pushed the driveway over the allowed width. They are therefore asking to leave the patio stones as is. The patio stones on the left side of driveway were pulled out and were replaced with soil and grass seeds.

Mr. McGillivray explained that there is no parking allowed on Rickson Avenue due to a bus stop.

Mr. Sarracini commented that this way the tenants are not parking in front of neighbours houses but on the driveway instead.

Chair L. McNair questioned why the tenants cannot park inside the garage.

Mr. McGillivray replied that due to the necessity of shifting vehicles, it becomes awkward. There is a turn on the neighbour's side because Rickson Avenue curves. This way they minimize driving in and out of the driveway. It is hard to see when someone comes out of the driveway and they are trying to avoid tandem parking because of the sidewalk.

Mr. Sarracini explained the tenants would otherwise park on the street on a bus route.

Mr. McGillivray explained the house had been a rental for a long time before they bought it three years ago. They have attempted to reform the attitude of the neighbours and tenants. He also commented that they are on top of the house and the actions of the tenants. They feel

that creating an accessory apartment with unrelated people leaves no tolerance for group parties since other people also live in the house. He explained they would like to keep it as a two unit house with three units upstairs and one unit downstairs.

Mr. Sarracini commented that they are not putting more than four bedrooms under one roof as per new regulations. The dwelling is looked after by a management company and a contractor.

Mr. McGillivray explained the fire department was happy with smoke alarms and fire separations etc. He further explained they would like this dwelling to be considered as a registered two unit house. They are willing to go through any inspections necessary. They have made no changes which would need a building permit since they purchased the house.

Chair L. McNair questioned if there was a requirement for a building permit.

Planner S. Laughlin replied if modifications were done without a permit, a building permit is required regardless of who did it.

Mr. McGillivray commented they had tried to get a permit but were referred to the Committee for a variance.

Committee member P. Brimblecombe commented that they cannot get a permit due to the Interim Control By-law.

Committee member D. Kelly questioned if the parking situation was a little too small for their needs.

Mr. McGillivray replied that they removed patio stones from one side but the asphalt itself was a little too big, they would have to cut it back.

Committee member D. Kelly commented the driveway is 6% larger than it needs to be. Even if there is no parking on Rickson Avenue, with accessory apartment regulations the street parking is not the issue. You have to accommodate parking. She is concerned since someone has marked three parking spots on the driveway, which is not permitted.

Planner S. Laughlin commented you can mark down your driveway.

Committee member D. Kelly indicated that clearly the intention is to park three cars on that driveway.

Mr. McGillivray explained the tenants cannot do this anymore due to the removal of patio stones. They applied for the variances as the property is today. The driveway seems to be a minor concern to the neighbours. It will cost to cut the driveway down; therefore they kept the variance for the driveway as is.

April 26, 2011 C of A Minutes

Mr. Sarracini explained that a neighbour commented that a noticeable change has occurred with tenants. The lines for parking spots can be removed.

Committee member D. Kelly commented that the parking situation is not minor. Rickson Avenue is a busy road and this is definitely a concern.

Mr. McGillivray explained they can't control tenants or guests but they monitor as best as they can. You will not get three cars side by side now that they have removed the patio stones. If the driveway width is an issue, they could look at it separately.

Committee member A. Diamond commented that the concern is the Interim Control By-law.

Mr. McGillivray commented there will be several applications which go underground due to the regulations. They would like to conform to everything necessary but with Interim Control By-law being in place, their hands are tied.

Chair L. McNair questioned if they could have applied for the building permit if the Interim Control By-law was not in place.

Mr. Sarracini replied no due to no interior access to the main unit. They created separation and the house operates better that way. They did not feel the tenants needed to interact between each other.

Chair L. McNair mentioned that there is no requirement in the by-law that you cannot have a lock to close the access. You could have met that part of the by-law without great expense.

Committee member D. Kelly mentioned one variance meets the intent of the by-law and one variance does not.

Committee member A. Diamond questioned what the staff's position is with regard to interior access.

Planner S. Laughlin replied of land use planning perspective, staff does not deal with that.

Committee member R. Funnell commented he has to maintain the position of the Interim Control By-law, the Committee has to respect that.

Planner S. Laughlin mentioned the pre-hearing for Interim Control By-law with the Ontario Municipal Board is May 18, 2011. The issues will be scoped and the hearing date will be set that day. Once we have the Boards' decision, the Interim Control By-law will be lifted.

Mr. Sarracini explained the unit will comply to new by-law regulations after the Interim Control By-law is lifted. He is asking for consideration on the interior access issue. They did not wish to put the tenants on the street. They were in limbo and their hands are tied.

Mr. McGillivray explained they will make it legal by cutting the wall if they need to, they will respect the decision that will be made.

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

Moved by D. Kelly, 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 4.15.1.6 and Row 12 of Table 5.1.2 of Zoning By-law (1995)-14864 as amended and a variance from Interim Control By-law (2010)-19019 for 61 Rickson Avenue

- a) to permit a 78.4 square metre (843.89 square foot) one bedroom accessory unit in the basement with no interior access between the units when the By-law requires that an interior access is required between floor levels and between the accessory unit and the host dwelling unit
- b) to permit a 7.25 metre (23.77 foot) wide driveway when the By-law requires that the driveway shall not exceed more than 40 % of the front yard [maximum 6.21 metres (20.4 feet)]
- c) to permit the establishment of a 78.4 square metre (843.89 square foot) accessory unit when the Interim Control By-law passed by City Council on June 7, 2010 does not permit the establishment of an accessory unit for any R.1 and R.2 zoned properties in Ward 5,

be refused.

Reasons for refusal being:

1. The variance was not minor in nature as it did not meet the intent of the Interim Control By-law.
2. The variance would have an adverse impact on the neighbourhood.
3. The variance did not meet the intent of the Interim Control By-law. “

Carried

The meeting adjourned at 5:12 p.m.

L. McNair  
Chair

Minna Bunnett  
Assistant Secretary-Treasurer

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday May 10, 2011 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell  
P. Brimblecombe  
D. Kelly, Vice-Chair  
B. Birdsell  
A. Diamond  
J. Andrews

Regrets: L. McNair

Staff Present: S. Laughlin, Planner  
K. Fairfull, Secretary-Treasurer  
M. Bunnnett, Assistant Secretary-Treasurer

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Minutes from Last Meeting

Moved by R. Funnell and seconded by A. Diamond,

“THAT the Minutes from the April 26, 2011 Regular Meeting of the Committee of Adjustment, be approved as amended.”

Carried.

### Other Business

The Assistant Secretary-Treasurer distributed a decision received from the Ontario Municipal Board for Application A-67/10 at 133 Grange Street. She advised that the Board allowed the appeal and granted the driveway width variance.

The Assistant Secretary-Treasurer advised that a special meeting has been scheduled for May 24, 2011 at 4:00 PM for King George School at 72 Lemon Street.

The Assistant Secretary-Treasurer advised that two appeals were received. The first appeal received was from the owner of 53 Hillcrest Drive against the decision of approval for

application A-4/11 at 47 Grange Street / 55 Hillcrest Drive. A second appeal was received from the owner of 387 Ironwood Road against the decision of refusal for application A-13/11.

Committee member J. Andrews questioned if it would be practical for staff to request a written presentation on the application when their application is submitted. He expressed concern about the amount of time it is taking to hear rather simple applications.

Committee member R. Funnell noted that the Committee can encourage the applicants however expressed concern it could not be a mandatory requirement.

Planner S. Laughlin replied that a lot of people will not know if they do a presentation until they see the staff comments. If they have concerns after they read the staff comments, they prepare their presentation. You can certainly ask for this.

Committee member A. Diamond noted that it is the Chairs responsibility to control the length of the presentations.

**Application: A-27/11**  
**Applicant: Wilson Woods Ltd**  
**Agent: Gridline Constructors, Jeff Hayes**  
**Location: 935 Woodlawn Road West**  
**In Attendance: Jeff Hayes**  
**Ted Woods**

Vice-Chair D. Kelly questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Hayes replied that the sign was posted and the staff comments were received. He noted that the staff does not seem to have any objections to the application.

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 P. Brimblecombe 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 6.4.2 Row 8 of Zoning By-law (1995)-14864, as amended, for 935 Woodlawn Road West, to permit no buffer strip along a portion of the right side lot line when the By-law requires that a buffer strip shall be developed where the zone abuts an urban reserve zone, be approved subject to following condition:

1. The Owner agrees to re-submit and receive approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the General Manager of Planning and Building and the General Manager/City Engineer, prior to the issuance of building permits. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.”

Carried.

**Application:** A-16/11  
**Applicant:** Donald Zuccala  
**Agent:** Eric Small  
**Location:** 11 Howitt Street  
**In Attendance:** Donald Zuccala

Vice-Chair D. Kelly questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Zuccala replied that yes the sign was posted and staff comments were received. He questioned the recommendation from Planning about providing an amenity area.

Planner S. Laughlin replied that he will need to provide a concept plan which identifies an amenity area in the side yard.

Mr. Zuccala commented that there is a veranda and a balcony upstairs. He mentioned that the side yard is huge.

May 10, 2011 C of A Minutes

Committee member A. Diamond noted that this is an old red brick home. She was surprised comments were not received from Heritage Guelph and questioned if it was a heritage building.

Planner S. Laughlin replied that the dwelling might be on Couling heritage list. She noted that the heritage planner did not consult with her.

Committee member A. Diamond questioned if the applicant can be asked to consult with Heritage Guelph as a condition.

Planner S. Laughlin replied that yes, the Committee can ask for the consultation as a condition.

Mr. Zuccala noted that he believes the dwelling is on the heritage list.

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 J. Andrews,

“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 Row 8 of Table 5.1.2 of Zoning By-law (1995)-14864, as amended, for 11 Howitt Street, to permit a 6.27 metre by 9.14 metre (20.5 foot by 30 foot) one storey addition to be situate 3.05 metres (10 feet) from the rear lot line when the By-law requires the addition be setback a minimum of 5.57 metres (18.28 feet), be approved subject to the following conditions:

1. That the applicant agrees to consult with Heritage Guelph regarding the exterior of the addition in keeping with the houses on the street.
2. That prior to the issuance of a building permit for the proposed addition, a site concept plan be submitted to and approved by the General Manager of Planning & Building Services demonstrating that parking can be provided in accordance with the requirements of the Zoning By-law and an outdoor amenity space having a minimum depth of approximately 5.5m can be provided.
3. That the applicant agrees to develop the site in accordance with the approved site concept plan.
4. That, if required, a permit be retained from Grand River Conservation Authority prior to issuance of a building permit.”

Motion would 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 J. Andrews,

“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 Row 8 of Table 5.1.2 of Zoning By-law (1995)-14864, as amended, for 11 Howitt Street, to permit a 6.27 metre by 9.14 metre (20.5 foot by 30 foot) one storey addition to be situate 3.05 metres (10 feet) from the rear lot line when the By-law requires the addition be setback a minimum of 5.57 metres (18.28 feet), be approved subject to the following conditions:

1. That prior to the issuance of a building permit for the proposed addition, a site concept plan be submitted to and approved by the General Manager of Planning & Building Services demonstrating that parking can be provided in accordance with the requirements of the Zoning By-law and an outdoor amenity space having a minimum depth of approximately 5.5m can be provided.
2. That the applicant agrees to develop the site in accordance with the approved site concept plan.
3. That, if required, a permit be retained from Grand River Conservation Authority prior to issuance of a building permit.”

Carried

**Application:** A-20/11

**Applicant:** Sheila and Gerald Morgan

**Agent:** Sheila and Gerald Morgan

**Location:** 72 Kortright Road East

**In Attendance:** Sheila Morgan  
Gerald Morgan

Vice-Chair D. Kelly questioned if the signs had been posted in accordance with Planning Act requirements.

Mrs. Morgan replied that yes, the sign was posted. She explained that they are applying for a variance from the Interim Control By-law. She mentioned that she did notice under Zoning and Permit staff comments that it indicates that the number of bedrooms requires a variance. She further explained that they are only applying for a two bedroom apartment and would need clarification on the comments.

Planner S. Laughlin clarified that there is one bedroom on the main floor, one bedroom on the upper floor loft area and one bedroom in the basement belonging to the main unit. There are two bedrooms in the basement unit.

Mrs. Morgan commented that their neighbour's letters indicate their support for the variance application. She explained that as a surprise to them, the house builder constructed the basement without a building permit. The previous owner of the dwelling gave them drawings which were given to them by the builder which showed the basement apartment. The basement unit has been rented out since 1995 and they have never had any problems with the tenants. Their parents live in the main unit. She commented that they are not interested in renting to students.

Committee member J. Andrews commented that this was another situation where the apartment is legal in present By-law and would be legal under the new By-law.

Planner S. Laughlin noted that if the Interim Control By-law was not in place, this apartment would comply, even with new regulations.

Committee member J. Andrews commented that he is opposing the application until the Interim Control By-law is lifted.

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, 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 Interim Control By-law (2010)-19019 for 72 Kortright Road East, to maintain a 78.3 square metre (843 Square foot) two bedroom accessory apartment when the Interim Control By-law in place does not permit the establishment of an accessory unit for any R.1 and R.2 zoned properties in Ward 5, be approved."

Motion would 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 P. Brimblecombe, seconded by J. Andrews,

“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 Interim Control By-law (2010)-19019 for 72 Kortright Road East, to maintain a 78.3 square metre (843 Square foot) two bedroom accessory apartment when the Interim Control By-law in place does not permit the establishment of an accessory unit for any R.1 and R.2 zoned properties in Ward 5, be refused.”

Carried

**Application:** A-28/11  
**Applicant:** Thomas Lammer  
**Agent:** Thomas Lammer  
**Location:** 24 Crestwood Place  
**In Attendance:** Thomas Lammer  
Katharine Massicotte  
Terri Belyea

Vice -Chair D. Kelly questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Lammer replied yes, the sign was posted and the staff comments were received. He mentioned that in reference to the concerns expressed by Planning staff, a deeming by-law was registered in 1968 de-registering the lots. He noted that he had no objection to the recommendations from staff with the exception of the timing of demolition and the gravity connection. He continued that both Zoning and Planning are requesting to demolish the existing dwelling within one year of the approval of the variance. He commented that the time

line for this is very tight and questioned if this condition could be modified to “within one year of issuance of the building permit.” This would allow them more time to move and organize necessary logistics of having the existing dwelling lined up for the demolition. He mentioned that the other option could be “six months after occupying the new dwelling.”

Mr. Lammer continued that Engineering has commented that they must construct the dwelling at an elevation so that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer. They would like to install plumbing in the basement and construct the house ground elevation in line with neighbouring properties. He requested the Committee to consider amending the condition by allowing the construction of the dwelling in such a way that all above grade levels will be serviced by gravity feed to the sanitary sewer. He further proposed to follow the regulations and requirements of the Ontario Building Code for all lower level connections in the dwelling.

Committee member R. Funnell questioned if Mr. Lammer has been granted this relief by the City on similar construct projects.

Mr. Lammer replied that with new homes it has been granted and is permitted in the Ontario Building Code.

Planner S. Laughlin commented that the change of condition to one year from the date of issuance of building permit is easier to track than six months from occupancy.

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, 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 4.4 of Zoning By-law (1995)-14864, as amended, for 24 Crestwood Place, to permit two residential dwellings on a property when the By-law requires that in any residential R.1 and R2. Zone there shall not be more than one building located on a lot, be approved subject to following conditions:

1. That the owner pays the actual cost of the construction of the new driveway entrance, 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 shall apply for and pay the actual cost of constructing new service laterals to the proposed new dwelling, 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.
3. That the owner pays the actual cost of the removal of the existing asphalt pavement within the road allowance from the existing driveway entrance on Lot 48 and Lot 49 and replacing it with topsoil and sod, 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.
4. That the owner shall remove the existing asphalt pavement within the road allowance from the existing driveway entrance on Lot 49 and replacing it with topsoil and sod within sixty (60) days of occupancy of the new dwelling.
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 a building permit.
6. That the owner constructs the new dwelling at such an elevation that all above grade levels of the building can be serviced with a gravity connection to the sanitary sewer and any connections below grade meet the requirements of the Ontario Building Code.
7. That a legal off-street parking space be created at a minimum setback of 6-metres from the Crestwood Place property line.
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, prior to the issuance of a building permit.
9. 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 General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
10. That the owner receives approval for the demolition of the existing dwelling from City prior to the issuance of a building permit for the new dwelling.
11. That the existing dwelling be demolished within one year of the issuance of a building permit for the new dwelling.

12. That the existing driveway be closed and the asphalt returned to vegetated materials (grass or other) within 60 days of occupation of the new dwelling.
13. That the owner receives approval for the demolition of the existing dwelling from City prior to the issuance of a building permit for the new dwelling.
14. That prior to issuance of a building permit, the applicant make satisfactory arrangements with Technical Services Department of Guelph Hydro Electric Systems Inc. for hydro servicing of the new building. A driveway clearance of 1.5 metres must be maintained from hydro poles. Pole relocation will be at the owner's expense."

Carried

**Application:** B-1/11, A-6/11, A-7/11

**Applicant:** 785412 Ontario Limited

**Agent:** Subhash Chugh

**Location:** 67 Raymond Street

**In Attendance:** Mario Venditti  
Subhash Chugh

Vice-Chair Donna questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Chugh replied that the sign was posted and he did receive staff comments. He requested clarification about the requirement of a storm sewer connection when staff has recommended a storm sewer agreement has to be entered into.

Secretary Treasurer K. Fairfull commented that the Engineering staff has requested a storm connection from the catch basin in the rear yard which will collect storm water for both properties.

Planner S. Laughlin replied that the catch basin is required in the rear yard and in addition to this, a storm sewer will have to be installed from the City street to the property.

Application number B-1/11

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 J. Andrews, seconded by P. Brimblecombe,

“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 Park Lot 77, Registered Plan 8 and Block A, Registered Plan 536, 67A Raymond Street, a parcel with a frontage of 15 metres (49.21 feet) along Raymond Street and a depth of 30.49 metres (100 feet), be approved, subject to the following conditions:

1. 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.
2. 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 or 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.
3. 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.
4. 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.
5. That the owner acknowledges that the grading and drainage plan for the lands to be retained and for the lands to be severed, will incorporate the installation of a rear yard catchbasin, placed at an elevation to accept the flows from the proposed retained and severed parcels and the contributing area, and utilizing a control flow outlet to the existing storm sewer on Raymond Street, to the satisfaction of the General Manager/City Engineer.
6. That the owner shall pay for all the costs associated with the installation of a storm sewer and rear yard catchbasin on the proposed severed lands, prior to the issuance of any building permits.

7. That the owner pays the actual cost of constructing a storm service lateral to the proposed severed lands for the connection of the new storm sewer and rear yard catchbasin 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 the issuance of a building permit.
8. 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.
9. That the owner pays the actual cost of the construction of the new driveway entrances and the required curb cuts and curb fills including the reconstruction of the pedestrian sidewalk across the new driveway entrances if 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.
10. That a legal off-street parking space be created on the proposed retained lands, and the proposed severed lands at a minimum setback of 6-metres from the Raymond Street property line.
11. 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 severed and retained lands, prior to the issuance of any building permits.
12. That the owners receive a Fill, Construction and Alteration to Waterways permit from the Grand River Conservation Authority, prior to the issuance of any building permits.
13. That the elevation and design drawings for the new dwellings on the severed and retained parcels be submitted to, and approved by the General Manager of Planning and Building 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. The proposed dwellings are to be similar to those illustrated on the streetscape analysis that was submitted through this application;
14. That a site plan be submitted to, and approved by the General Manager of Planning and Building Services and the City Engineer, prior to the issuance of a building permit for the new dwellings on the severed and retained parcels indicating:
  - a. The location and design of the new dwelling;

- b. All trees impacted by the development on the property and the adjacent municipal boulevard, identifying trees to be retained, removed or replaced and methods to protect the trees to be retained during all phases of construction including appropriate tree protection fencing;
  - c. That the location of the new dwelling maintains a setback that is in character with the surrounding area;
  - d. Grading, drainage and servicing information;
15. 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 and Building Services;
  16. 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 endorsonation of the deeds, at the rate in effect at the time of the endorsonation.
  17. 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;
  18. That prior to issuance of a building permit, the applicant make arrangements for underground hydro servicing to the severed parcel for two newly created lots, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the owner's expense.
  19. 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.
  20. 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 13, 2012.
  21. 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.
  22. 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.

23. 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 2000 – 2002) which can be forwarded by email ([cofa@guelph.ca](mailto:cofa@guelph.ca)) or supplied on a compact disk.

Carried.

Application number A-6/11

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. Andrews, seconded by P. Brimblecombe,

“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 requirement of Table 5.1.2 Row 3 of Zoning By-law (1995)-14864, as amended, for 67A Raymond Street, to permit a lot area of 457.38 square metres (4,921 square feet) when the By-law requires a minimum lot area of 460 square metres (4,951 square feet), be approved subject to following condition:

1. That the conditions imposed for Application B-1/11 be and form part of this approval.”

Carried.

Application number A-7/11

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. Andrews, seconded by P. Brimblecombe,

“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 67B Raymond Street, to permit a lot area of 457.38 square metres (4,921 square feet) when the By-law requires a minimum lot area of 460 square metres (4,951 square feet), be approved subject to following condition:

1. That the conditions imposed for Application B-1/11 be and form part of this approval.”

Carried

The meeting adjourned at 4:55 p.m.

D. Kelly  
Vice-Chair

Minna Bunnett  
Assistant Secretary-Treasurer

**Committee of Adjustment**

Minutes

The Committee of Adjustment for the City of Guelph held a Special Meeting on Tuesday May 24, 2011 at 4:00 p.m. in Committee Room 112, City Hall, with the following members present:

D. Kelly, Chair  
B. Birdsell  
P. Brimblecombe  
R. Funnell  
J. Andrews  
A. Diamond

Regrets: L. McNair

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

**Application:** A-32/11  
**Applicant:** Upper Grand District School Board  
**Agent:** Pricilla Ladouceur; Hossack & Associates Architects  
**Location:** 72 Lemon Street  
**In Attendance:** Pricilla Ladouceur  
Blair Capling  
Barb Drohan  
Sharon Hersey  
Andy vanHellemond

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

Ms. Ladouceur replied the notice signs were posted and comments were received from staff. She had no further information to add to the application and was available for any questions.

Committee member P. Brimblecombe questioned how many parking spots existed at the school now.

Ms. Ladouceur replied there are 21 off-street parking spaces presently and 38 off-street parking spaces are proposed. She noted additional spaces will be provided in the play area for public functions.

There were no more questions from the members of the Committee.

Andy vanHellemond explained he resides on the corner of Lemon Street and St. Catherine Street. He expressed concerns about the on-street parking along St. Catherine Street and problems with bus manoeuvring at that corner. He questioned if on-street parking could be removed from this portion of St. Catherine Street. He noted 5 buses exit students on St. Catherine Street and it is very congested to turn in the winter with the on-street parking on the street. He noted that moving the on-street parking restriction would allow for a larger turning radius.

Planner S. Laughlin noted the regulations with respect to on-street parking are handled through the Operations Department. She advised she would bring this concern to the staff involved through the site plan approval process.

Ms. Ladouceur noted the on-street parking may not be utilized along St. Catherine Street with the construction of the new school as the school entrance will be on Metcalfe Street.

Mr. VanHellemond questioned if the loading and unloading of students could be provided on site.

Planner S. Laughlin replied staff would not support student pick up on site as it would compromise the green space and play areas.

Mr. VanHellemond questioned how many students will be attending the school.

Ms. Ladouceur replied 504 students are recommended however there will be lower bus populations as more students will be walking from the area. She noted there will be 2-3 buses maximum.

Clinton Martin who resides at 114 Metcalfe Street expressed support of the variances and requested the grading and drainage be reviewed as part of the process.

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. Andrews 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, variances from the requirements of Sections 4.13.4.4, 4.13.2.3, Table 8.2 – Row 3 and Row 4 and Section 4.20.3 of Zoning By-law (1995)-14864, as amended, for 72 Lemon Street, to demolish the existing school and construct a 4,366 square metre (46,995 square foot) two storey K-8 elementary school, and,

- a) to provide 38 off-street parking spaces on site when the By-law requires a total of 67 off-street parking spaces,
- b) to permit the off-street parking to be located 2 metres (6.56 feet) from Metcalfe Street when the By-law requires the off-street parking spaces be located a minimum of 3 metres (9.84 feet) from any lot line,
- c) to permit the school to be constructed 26.6 metres (87.27 feet) from Lemon Street when the By-law requires a maximum building setback of 20 metres (65.61 feet) from the street property line,

- d) to permit the school to be constructed 5.85 metres (19.19 feet) from St. Catherine Street when the By-law requires a minimum exterior side yard of 6 metres (19.68 feet), and,
- e) to permit a fence height of 1.2 metres (3.93 feet) along St. Catherine Street along the rear yard open space when the By-law permits a maximum fence height of 0.8 metres (2.62 feet) within 4 metres (13.12 feet) of a street property line,

be approved, subject to the following condition:

1. That the Owner agrees to submit and receive approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the General Manager of Planning and Building and the General Manager/City Engineer, prior to the issuance of a building permit. Furthermore, the owner shall develop the said lands in accordance with the approved site plan.”

Carried.

The meeting adjourned at 4:12 p.m.

D. Kelly  
Chair

K. E. Fairfull, ACST  
Secretary-Treasurer



**COMMITTEE OF ADJUSTMENT**

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday June 14, 2011 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell  
P. Brimblecombe (until 5:32 p.m.)  
B. Birdsell  
J. Andrews  
L. McNair - Chair

Regrets: D. Kelly, Vice-Chair  
A. Diamond

Staff Present: 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 R. Funnell and seconded by P. Brimblecombe,

“THAT the Minutes from the May 10, 2011 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried.

Moved by B. Birdsell and seconded by P. Brimblecombe,

“THAT the Minutes from the May 24, 2011 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried.

Other Business

The Secretary-Treasurer advised the Ontario Municipal Board hearing has been scheduled for Application B-15/09, A-56/09 and A-57/09 at 23 Fairview Boulevard. The hearing has been scheduled for July 14, 2011 in Committee Room C, for two days.

The Secretary-Treasurer advised the Ontario Municipal Board hearing has been scheduled for Application A-83/10 at 83 Rodgers Road. The hearing has been scheduled for July 13, 2011 in Committee Room C.

**Application: B-16/11**  
**Applicant: Emerald Renovations**  
**Agent: Jeff Sinclair**  
**Location: 66 Bagot Street**  
**In Attendance: Jeff Sinclair**

Mr. Sinclair received his staff comments. He requested an extension on a decision made last year. He explained they are hoping to start within 6-8 months with demolishing the dwelling.

There were no questions from the Committee.

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 R. Funnell seconded by J. Andrews,

“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 88 and 90, Registered Plan 23, to sever a parcel to be known as 68 Bagot Street, with a frontage along Bagot Street of 13.49 metres (44.3 feet) and a depth of 40.23 metres (132 feet), be approved, subject to following conditions:

1. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage for 88.52 feet (26.98 metres), prior to endorsation 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. That the owner pays the actual cost of constructing a new sanitary sewer lateral to the retained lands including the cost of any curb cuts or curb fills, with the estimated cost of the works as determined necessary by the City Engineer being paid, prior to the issuance of any building.
4. That the owner pays the actual cost of constructing a new sanitary sewer lateral and a new water service lateral to the severed lands including the cost of any curb cuts or curb fills, with the estimated cost of the works as determined necessary by the City Engineer being paid, prior to the issuance of any building permit.
5. That the owner shall pay the actual costs associated with the removal of a portion of the existing asphalt driveway and a portion of the gravel driveway on the road allowance and be replaced with topsoil and sod, with the estimated cost of the works as determined necessary by the City Engineer being paid, prior to the issuance of a building permit.
6. That the owner pays all the costs associated with the removal of the existing gravel and concrete walk on the lands to be severed, prior to endorsonation of the deeds
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 endorsonation 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 prior to the issuance of any building permits on the retained lands and the 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 said lands.
10. That the owner pays the actual cost of the construction of the new driveway entrances and the required curb cuts and curb fills, with the estimated cost of the works as determined by the City Engineer being paid, prior to the issuance of a building permit.
11. That a legal off-street parking space be created on the retained lands and the severed lands at a minimum setback of 6-metres from the Bagot Street property line.

12. That the owner shall pay for all the costs associated with the removal of the existing building, prior to endorstation of the deeds.
13. That prior to the endorstation of deeds, the owner receive a demolition permit and remove the existing legal non-conforming triplex at 66 Bagot Street.
14. That prior to the demolition of the triplex, an arborist report be submitted to the Director of Community Design and Development Services that makes recommendations regarding preventative measures/treatment and methods to protect the three large trees identified on the severance sketch, including an appropriate tree protection zone.
15. That prior to the demolition of the triplex, that preventative measures/treatment for the trees be completed and tree protection fencing be erected on-site and inspected by staff to the satisfaction of the Director of Community Design and Development Services.
16. That the building envelope for the proposed dwelling on the severed parcel be in keeping with the severance sketch provided as it relates to providing additional setback for the Black Walnut tree.
17. That the proposed dwellings on the severed and retained parcels be designed to accommodate accessory apartments in accordance with the regulations set out in the Zoning By-law.
18. That the elevation and design drawings for the new dwellings on the severed and retained parcels be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwellings in order for staff to ensure that the design of the new dwellings respects the character of the surrounding neighbourhood.
19. That a site plan be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwellings on the severed and retained parcels indicating:
  - a) The location and design of the new dwellings.
  - b) All trees impacted by the development, identifying trees to be retained, removed or replaced and methods to protect the trees to be retained during all phases of construction.
  - c) That the location of the new dwellings maintains 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 and retained parcels, tree protection fencing be erected on-site and inspected by staff to the satisfaction of the Director of Community Design and Development Services.

21. 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.
22. 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.
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 the owner provide a photographic record of the site and the subject structure, including photographic documentation of any subsequent demolition, to the City for its records.
25. That salvage of quality materials be carried out where possible.
26. 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. Any modifications to the overhead distribution system to accommodate for the newly created lots, will be at the owner's expense.
27. 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 endorsation of the deeds.
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 11, 2011.
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 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.”

Carried

**Application:**            **A-36/11**  
**Applicant:**            **Skyline Inc.**  
**Agent:**                 **L. Alan Grinham Architect Inc.**  
**Location:**            **1 Douglas Street**  
**In Attendance:**       **Lloyd Grinham**

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Grinham replied the notice sign was posted and comments were received from staff. He provided background to the project and advised the owner is obtaining the necessary approvals to construct residential dwellings on the top three floors of the redevelopment project. He noted that because three walls of the building are located with 0 lot line, variances will be required for location of habitable room windows. He noted there are three off-street parking spaces on the property and the owner is securing additional parking off-site for the tenants.

Committee member R. Funnell questioned if agreements are in place for the additional parking.

Planner S. Laughlin replied staff is currently in the process of formalizing the parking. She noted the Chief Administrative Officer has provided a letter of commitment to provide 100 parking spaces.

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

Moved by R. Funnell and seconded by J. Andrews,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Sections 6.3.2.1.1 and 4.15.2.4 of Zoning By-law (1995)-14864, as amended, for 1 Douglas Street, to redevelop the property with commercial uses on floors 1-3 and residential development on Floors 4-6 with habitable room windows being located 0 metres from the rear and side lot lines when the By-law requires a minimum distance of 6 metres between habitable room windows and the adjacent lot line and to permit three off-street parking spaces when the By-law requires a minimum of 20 off-street parking spaces, be approved, subject to the following condition:

1. That an agreement(s) be executed to provide the necessary parking, prior to site plan approval.”

Carried.

**Application:** A-40/11  
**Applicant:** Claudio Roncali  
**Agent:** Claudio Roncali  
**Location:** 49 Vancouver Drive  
**In Attendance:** Claudio Roncali

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Roncali replied they received comments and had no objection to the recommendations. He noted he has a 1½ storey home and wants to construct a 2<sup>nd</sup> storey addition in line with the existing building walls.

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 P. Brimblecombe 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 5.1.2-Row 6 and

Section 5.1.2.7 of Zoning By-law (1995)-14864, as amended, for 49 Vancouver Drive, to permit a second storey addition to be constructed in line with the existing building walls on the ground floor, 8.28 metres (27.17 feet) from Vancouver Drive, when the By-law requires a minimum setback equal to the setbacks within the existing block face [8.9 metres (29.2 feet)], be approved, subject to the following condition:

1. That prior to issuance of a building permit, the applicant makes arrangements for provision of overhead or underground hydro re-servicing to the property, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the owner's expense."

Carried

**Application:** B-15/11

**Applicant:** Industrial Equities Guelph Ltd. Partnership

**Agent:** Astrid J. Clos Planning Consultants

**Location:** 1080 Southgate Drive

**In Attendance:** Astrid Clos  
Leslie Marlow

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. Clos replied the notice sign was posted and comments were received from staff. She expressed her appreciation the efforts from staff on the application. She explained the nature of the application and the possibility of a new business establishing in the city. She questioned if the Committee could consider amending two recommendations submitted from Planning staff. She noted that with respect to Planning recommendation #2, the severed parcel has been graded and a topsoil pile remains on a portion of the retained lands.

Planner S. Laughlin noted there were concerns raised by the Environmental Planner with respect to the topsoil pile and unstablized soil.

Mr. Marlow noted that once the find a home for the topsoil pile they will remove it.

Planner S. Laughlin noted the intent is that work be done right away. She suggested the topsoil pile is not the only area of concern and the works should be conducted in accordance with the Environmental Impact Study.



Ms. Clos expressed further concern about Planning Recommendation #5 requesting the dedication of a 10 metre strip of land for a future City trail. She noted they have information from their environmental planner the trail will be 4.2 metres wide to meet the requirements and requested the Committee consider a maximum dedication of 5 metres from top of bank.

Planner S. Laughlin noted the reason for 10 metre wide dedication is based on the grading plans submitted at this point. She noted if the subdivision was proceeding to registration at this point the detailed information would have been submitted to identify the width of the trail. She advised the information is unclear as an Environmental Implementation Report is not required as part of this application therefore the criteria has not been submitted. She noted if the Environmental Implementation Report was completed prior to the finalization of the severance the exact dimensions would be known.

Ms. Clos noted this is an important potential deal for the City resulting in a 40 million dollar construction project and timing is important.

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 b. Birdsell seconded by P. Brimblecombe,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lots 13 and 14, Concession 7, to be known as 1080 Southgate Drive, a parcel with a frontage along Southgate Drive of 385 metres (1,263.12 feet) and an area of 9.48 hectares (23.4 acres), be approved, subject to the following conditions:

1. Prior to site plan approval and prior to any construction or grading on the severed lands, the Owner/Developer 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.
2. The Owner/Developer 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, stormwater management targets, grading and drainage and servicing to the satisfaction of the General Manager of Planning and Building and the General Manager/City Engineer, for the severed lands prior to the issuance of a building permits. Furthermore, the Owner/Developer shall develop the severed lands in accordance with the approved site plan.

3. That the Owner/Developer pay to the City, as determined applicable by the City's Director of Finance, development charges in accordance with City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, prior to the issuance of a building permit for the severed lands, at the rate in effect at the time of issuance of the building permit.
4. That the Owner/Developer pays the actual cost of constructing and installing any service laterals required for the severed lands and furthermore, prior to site plan approval, the Owner/Developer shall pay to the City the estimated cost of the service laterals, as determined necessary by the General Manager/City Engineer.
5. That prior to the issuance of site plan approval for the severed lands, the Owner/Developer shall have a Professional Engineer design a grading plan and storm water management system for the site, satisfactory to the General Manager/City Engineer.
6. That the Owner/Developer grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer for the severed lands, in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer. Furthermore the Owner/Developer shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system and that the storm water management system was built as it was approved by the City and that it is functioning properly.
7. That prior to site plan approval for the severed lands, any domestic wells located within the lands shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer. Any boreholes drilled for hydrogeological or geotechnical investigations must also be properly abandoned.
8. That prior to the issuance of any building permits on the severed lands, the Owner/Developer 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.
9. That prior to site plan approval for the severed lands, the Owner/Developer shall pay to the City the cost of installing bus stop pads at locations to be determined by Guelph Transit if applicable.
10. That prior to site plan approval for the severed lands, the Owner/Developer shall obtain approval from the City with respect to the availability of adequate water supply and sewage treatment capacity.

11. That prior to any severance of the property, the Owner/Developer shall pay any outstanding debts owed to the City.
12. .That prior to site plan approval for the severed lands, the Owner/Developer shall implement and address all recommendations contained in the Environmental Impact Study (EIS) for the proposed severed lands and the portion of the retained lands immediately adjacent to the severed parcel, at the Owner/Developer expense and the Owner shall address each recommendation contained in the Environmental Impact Study (EIS) for the proposed severed lands and retained lands, to the satisfaction of the General Manager of Planning and Building and General Manager/City Engineer.
13. That the Owner/Developer acknowledges and agrees to advise all potential purchasers of the severed lands when the MTO upgrades Highway 6 to full freeway status, the only access to the subject lands from Highway 6 in the future will be via the Laird Road interchange and Southgate Drive.
14. That prior to site plan approval or any further grading or site alteration within the regulated area on the severed lands, the Owner/Developer requires a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses permit from the Grand River Conservation Authority.
15. That the Owner/Developer shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the severed lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of a building permit.
16. That the Owner/Developer shall make arrangements satisfactory to Union Gas for the servicing of the severed 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 the Owner/Developer shall ensure that all telephone service and cable TV service in the lands shall be underground. The Owner/Developer shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the severed lands, prior to the issuance of a building permit.
18. That the Owner/Developer enters into an agreement with the City for the severed lands, registered on title, satisfactory to the General Manager/City Engineer and City Solicitor, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans and reports.

19. That prior to site plan approval or any further grading, tree removal or construction on-site a tree inventory and conservation plan satisfactory to the General Manager of Planning & Building Services shall be reviewed and approved the severed lands.
20. That prior to the endorsation of deeds, a soil stabilization plan for the topsoil pike and in accordance with the approved Environmental Impact Study, be reviewed and approved by the General Manager of Planning & Building Services for the severed lands and the portion of the retained lands immediately adjacent to the severed lands. Further, the plan shall be implemented on-site prior to deed endorsation.
21. That prior to the endorsation of deeds, a report indicating how regular dust suppression will be accomplished during the construction phase shall be reviewed and approved by the General Manager of Planning & Building Services for the severed lands.
22. That prior to the issuance of site plan approval for the severed lands, a detailed trail routing plan, including section drawings, be submitted to and approved by the General Manager of Park Maintenance and Development which demonstrates that the future City developed open space off-road trail designed to City standards can be accommodated on the retained lands in a safe and cost effective manner outside the wetland buffer.
23. That prior to the endorsation of deeds, the developer/owner shall dedicate a strip of land, having a maximum width of 7.5 metres, if required to implement the detailed trail routing pan and to ensure existing natural features are protected, along the easterly property line adjacent to the future open space block associated with draft plan of subdivision 23T-06503 to the satisfaction of the General Manager of Planning & Building Services. The purpose of this land dedication is to ensure that the establishment of an open space off-road trail can be accommodated and increased protection of the adjacent natural features.
24. That prior to the issuance of site plan approval for the severed lands, the developer/owner shall at its expense implement and address all recommendations contained in the Environmental Impact Study that has been approved by the City, for the severed parcel and the portion of the retained lands immediately adjacent to the severed parcel. The developer/owner shall address each recommendation to the satisfaction of the GRCA and the General Manager of Planning & Building Services.
25. That prior to the issuance of site plan approval for the severed lands, the developer/owner shall provide a qualified environmental inspector, satisfactory to General Manager of Planning & Building Services and the City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and

- inspect the erosion and sediment control measures and procedures, and compliance with the Environmental Impact Study. The environmental inspector shall report their findings to the City as determined through the site plan approval process.
26. That prior to the issuance of site plan approval, the developer/owner shall establish recharge targets to be met and the responsibilities of the developer and every subsequent owner of the severed lands to demonstrate how the recharge targets will be met through the site plan approval process. The post-development recharge infiltration rate targets shall be established through the site plan approval process.
  27. The developer/owner agrees to address the avoidance of pesticides and private road salt impact on wetlands and local wells through the site plan approval process.
  28. The developer/owner agrees that in addition to Section 4.8 of the Zoning By-law titled 'Outdoor Lighting', lighting provisions shall be considered that will protect the surrounding natural environment from any artificial illumination. This shall be address through the site plan approval process for the severed lands.
  29. The developer/owner agrees that through the site plan approval process for the severed lands, a 'Pollution Prevention Program and including Spill Prevention and Contingency Plans' shall be prepared and implemented.
  30. The developer/owner agrees that low impact development (LID) techniques will be considered for the severed lands through the site plan approval process.
  31. The developer/owner agrees that where a natural linkage exists or is created adjacent to the severed lands, that the development of the severed lands will not impede the function of the linkage.
  32. That prior to site plan approval, the developer/owner shall be responsible for the cost of design and development of the demarcation of all lands intended to be conveyed to the City which are adjacent to the severed lands through the overall draft plan of subdivision (23T-06503) in accordance with the City of Guelph Property Demarcation Policy. This shall include the submission of drawings and the administration of the construction contract up to the end of the warrantee period completed by an Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the General Manager of Planning & Building Services. The developer/owner shall provide the City with a cash or letter of credit to cover the City approved estimate for the cost of development of the demarcation for the City lands to the satisfaction of the General Manager of Planning & Building Services.
  33. That prior to the issuance of a building permit for the severed lands, the developer/owner shall be responsible for paying 2% cash-in-lieu of parkland for the

severed parcel, based on developable land, in accordance with the City of Guelph By-law (1989)-13410, as amended or any successor thereof.

34. That prior to the endorsonation of the deeds, the developer/owner agrees to advise all purchasers, within the offer to purchase agreement, that once the City of Guelph Council has adopted a City-wide Community Energy Implementation Plan any site plan applications will need to be prepared by the purchaser in compliance with this Community Energy Implement Plan City-wide plan. This plan will (a) identify high quality energy efficient land uses; (b) establish feasible energy efficiency targets for development and construction; and (c) identify tools/incentives for achieving established targets.
35. The owner shall, to support the Community Energy Initiative to the satisfaction of the General Manager of Planning & Building Services, prior to the issuance of site plan approval for the severed lands, provide the City with evidence that:
  - a) The owner shall participate with the City and Guelph Hydro Electric Systems Inc. to explore and demonstrate building energy efficiency options for the development that will further contribute to the peak reduction of electrical power on the subject site.
  - b) The owner shall encourage prospective purchasers to voluntarily display Energy Performance Labels for all main buildings, once the City provides details of the pilot project with NRCan.
  - c) The owner shall participate in a study funded by the City, to review the possibilities for neighbourhood energy integration at or including the subject lands. Site plan approval may be granted if the City has not commenced or funded this study.
36. That prior to the endorsonation of the deeds, the Developer/owner agrees to advise all purchasers of the severed lands, within the offer to purchase agreement, that once the City of Guelph Council has adopted a City-wide Water Sensitive Urban Design Plan (WSUDP) any site plan applications will need to be prepared by the purchaser in compliance with this City-wide WSUDP. The City-wide WSUDP will provide guidelines for (i) achieving efficient and optimized use of the City's potable water supplies and (ii) minimizing discharges to the City's wastewater treatment facility. The WSUDP guidelines will address the following: communal and site-specific grey water (bath, shower and laundry flow) collection, treatment, storage and reuse; rainwater harvesting; stormwater management; outdoor irrigation systems; landscaping; and green roof feasibility.
37. That prior to the endorsonation of the deeds, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook for the severed lands, to all future businesses, with such payment based on a cost of one handbook per business unit, as determined by the City.

38. That prior to the endorsation of the deeds, the developer/owner agrees to place the following notifications in all offers of purchase and sale for the severed lands and agrees that these same notifications shall be placed in a development agreement to be registered on title:
- a) "Purchasers and/or tenants are advised that the Stormwater Management Blocks have been vegetated to create a natural setting. Be advised that the City will not carry out routine maintenance such as grass cutting. Some maintenance may occur in the areas that are developed by the City for public walkways, bikeways and trails."
  - b) "Purchasers and/or tenants are advised that the Open Space Block has been retained in its natural condition. Be advised that the City will not carry out routine maintenance such as grass cutting. Periodic maintenance may occur from time to time to support the open space function and public trail system."
  - c) "Purchasers and/or tenants are advised that the boundaries of the open space, stormwater management and park blocks will be demarcated in accordance with the City of Guelph Property Demarcation Policy. This demarcation will consist of living fences and property demarcation markers adjacent to lot numbers and/or black vinyl chain link fence adjacent to lot numbers."
  - d) The Developer shall also send written notification of proposed demarcation types to any existing owners in lots adjacent to open space, stormwater management and park blocks.
39. The owner shall submit to the City for approval, a noise and vibration assessment report for development of the severed parcel in order to confirm that the proposed use, activity and development meets the Ministry of Environment noise and separation distance guidelines, prior to the granting of site plan approval.
40. The owner shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official certifying all fill placed below proposed building locations prior to the issuance of a building permit for the severed lands. This report shall include the following information: lot number, depth of fill, top elevation of fill and the area approved for building construction from the street line.
41. The owner shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official providing an opinion on the presence of soil gases (radon and methane) prior to the issuance of a building permit for the severed lands in accordance with the applicable provisions contained in the Ontario Building Code.
42. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City for the severed lands, registered on title, 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 June 17, 2012.
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

**Application:**            **A-37/11**

**Applicant:**            **Kathleen and Allen Remley**

**Agent:**                **Astrid J. Clos Planning Consultants**

**Location:**            **184 Grange Street**

**In Attendance:**       **Allen Remley**  
                              **Astrid J. Clos**  
                              **Robin Inniss**

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Ms. Clos replied yes sign was posted and staff comments were received. She proceeded with handing out photographs of the driveway at subject property. Ms. Clos explained that after property owners applied for a building permit for the accessory apartment, it was discovered that a 5 metre driveway is required for the accessory apartment. This would equal 41% of the front yard. She further explained that currently the driveway is 5.71 metres wide which is 46.8%



of the front yard. The Zoning by-law allows the driveway width to be 40% of the front yard. She continued that the variance they are applying for is for 0.8 metres only. Ms. Clos noted that she understands City staff has minor concerns with the variance. She explained that there is plenty of room for landscaping and snow storage; the property is over 21 feet wide. Ms. Clos mentioned how it is important to keep the accessory apartment for affordable housing. She believes there have not been complaints for either the driveway or the accessory apartment.

Committee member R. Funnell questioned whether there is any green space in the left hand side of the property or if the driveway is right on the lot line.

Mr. Remley replied that there is about 1.5 feet in between.

Committee member R. Funnell asked if it would be possible to reduce the width of the driveway.

Ms. Clos replied that the 2ft of landscaping is where there is a retaining wall and reducing the driveway width would not be preferred due to 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 P. Brimblecombe and seconded by Bill 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 5.1.2 Row 12 of Zoning By-law (1995)-14864, as amended, for 184 Grange Street, to permit a driveway width of 5.71 metres (18.73 feet) when the by-law requires a maximum driveway width of 4.87 metres (15.97 feet), be approved.”

Carried

**Application:** A-29/11  
**Applicant:** Julia Aimes and Nicholas Westwood  
**Agent:** n/a  
**Location:** 181 Arthur Street North  
**In Attendance:** Julia Aimes

**Nicholas Westwood**

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements and if the applicants received staff comments.

Mr. Westwood replied yes, sign was posted and staff comments were received. He explained that where the addition is going is currently a mudroom. He explained that in order for him to construct the addition, he would have to take the existing mudroom down. The left side of the house is relatively close to the property line. He explained that he would like to continue along the existing line of the dwelling. He further explained how they received approval for the addition through a variance in 1995, but did not proceed with the construction at the time. The zoning by-law has changed since.

Chair L. McNair questioned if he had any concerns on conditions which were recommended by staff.

Mr. Westwood replied that the present roof on the left side of the house does not overhang the property line. He explained that his plan is to connect to an existing drain pipe which will run all the water towards the front of the house. He explained they had no plans to have windows on the left side of the addition as per the 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 J. Andrews 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 181 Arthur Street North, to permit an addition to be situated 0.53 metres (1.75 feet) from the left rear side lot line in lieu of 1.5 metres (4.92 feet), be approved subject to following condition:

1. Prior to the issuance of a building permit, the applicant shall demonstrate that the roof and eaves do not overhang the adjacent property.”

Carried

**Application: A-30/11**

**Applicant: John and Eleanor Wright**

**Agent:** Allen Remley

**Location:** 121 Exhibition Street

**In Attendance:** Allen Remley

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements and if the applicant received staff comments.

Mr. Remley replied yes, sign was posted and staff comments were received. He explained that there will be no windows on the second storey addition. He further explained that the addition will be 2.5 feet from the side property line.

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. Andrews

“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 121 Exhibition Street, to permit a second storey addition to be situated 1.23 metres (4.04 feet) from the right rear side lot line when the by-law requires a minimum of 1.5 metres (4.92 feet), be approved.”

Carried.

**Application:** A-34/11

**Applicant:** Philip Allt and Elizabeth Boyle

**Agent:** Elizabeth Boyle

**Location:** 30 Extra Street

**In Attendance:** Elizabeth Boyle

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements and if the applicant received the staff comments.

Mrs. Boyle replied yes, the sign was posted and staff comments were received. She explained that the application is for a variance for a second storey addition above a first storey existing addition. She further explained that the hot tub came with the house and was placed too close to the property line. She commented that they are not planning on putting windows on the right side of the addition and will discuss fire rating requirements with the contractor.

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 P. Brimblecombe

“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 4.5.5.3 and Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 30 Extra Street, to permit a second storey addition to be situated 0.77 meters (2.55 feet) from the right rear side lot line when the by-law requires a minimum of 1.5 meters (4.92 feet) and to permit a 1.95 metre by 1.95 metre (6.41 foot by 6.41 foot) hot tub to be situated 0.32 meters (1.05 feet) from the right rear side lot line when the by-law requires a minimum of 1.5 meters (4.92 feet), be approved.”

Carried.

**Application:**            **A-31/11**

**Applicant:**            **Ian MacLure**

**Agent:**                **Victory Oak Homes, Larry Brazolot**

**Location:**            **56 Clive Avenue**

**In Attendance:**       **Ian MacLure**  
                              **Larry Brazolot**

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. MacLure replied the notice sign was posted and comments were received from staff. He explained the proposed driveway would be from Wolsley Street to access a proposed accessory building to house his boat. He noted this is a quiet street with 5 driveways and submitted letters of support from surrounding neighbours. He noted staff appears to have no issues with

the location of the second driveway which is located 13 feet from the rear lot line to ensure the mature trees are retained. He explained his boat trailer is 8 feet wide and 24 feet long and in order to comply with the Zoning By-law it must be located in the rear yard. He advised he would like to retain his driveway from Clive Avenue as his wife is disabled and it would be too difficult to park on Wolsley Street and enter the house. He submitted pictures of houses in the surrounding neighbourhood and advised his request would not be out of character with the surrounding neighbourhood.

Committee member R. Funnell questioned what the size of the property was.

Mr. MacLure replied the property was 72 x 153.6.

Committee member L. McNair noted it appears as if new driveway will not be high use driveway. He questioned why the proposed driveway was 25 feet wide.

Mr. Brazolot replied when drew up plan for the permit application put driveway as the width of the building however it is not the owner's intent to have a driveway that wide.

Committee member L. McNair questioned if the recommended turf stone material was acceptable.

Mr. MacLure replied he would like the driveway a bit wider than 3 metres and he would be willing to work with the design.

Committee member R. Funnell suggested a maximum width of 12.5 feet.

Mr. MacLure agreed this is an acceptable width.

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 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 4.13.7.2kk) of Zoning By-law (1995)-14864, as amended, for 56 Clive Avenue, to permit a second driveway to a two-bay garage in the rear yard with access from Wolseley Road when the By-law requires that in an R.1 zone, one driveway access only be created per residential property, be approved, subject to the following conditions:

1. That the owner shall pay to the City the estimated cost of the construction of the

new driveway entrance and the required curb cut, 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. Furthermore, the owner agrees to pay for the actual cost of the construction of the new driveway entrance and the required curb cut, 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.

2. That the owner shall pay all the costs associated with the removal of the trees and shrubbery and/or the costs associated with the trimming of the trees and shrubbery that are located within the driveway sight line triangle, prior to the issuance of any building permits.
3. The maximum width of the second driveway should be limited to 3.81 metres (12.5 ft.).
4. The driveway should be constructed of turfstone or a material that allows for grass or other vegetation to grow within or through it.
5. That the location of the curb cut be submitted, reviewed and approved by the Director of Planning and Building Services.”

Carried.

**Application:**            **A-33/11**

**Applicant:**             **Minerva Sanchez Rudman**

**Agent:**                 **Minerva Rudman**

**Location:**             **232 Elmira Road South**

**In Attendance:**       **Minerva Rudman**

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Ms. Rudman replied the deck existed when they purchased their property. She noted the deck abuts the existing fence and they would like to retain it in that location.

Chair L. McNair questioned how high the deck was above grade.

Ms. Rudman replied the deck is 2 feet in height.

Chair L. McNair noted that although he generally does not support 0 lot line the deck has existed for some time. He noted he would not support any new construction with 0 lot line and requested the Committee consider supporting the variance for the existing structure only.

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 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 4.5.1.2 of Zoning By-law (1995)-14864, as amended, for 232 Elmira Road, South, to permit an existing rear yard deck to be situate 0 metres from the left side property line when the By-law requires an accessory structure be located a minimum of 0.6 metres (1.97 feet) from any lot line, be approved, subject to the following condition:

1. That the variance applies to the existing structure only.”

Carried.

Committee member P. Brimblecombe left the meeting at 5:32 p.m.

**Application:** A-35/11  
**Applicant:** Ziaomei Yu  
**Agent:** Ziaomei Yu  
**Location:** 56 Baxter Drive  
**In Attendance:** Ziaomei Yu  
Lan Kuang  
Weijei Luo  
Qian Rong Hu

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

June 14, 2011 C of A Minutes

Ms. Yu explained the apartment was constructed by her husband. He commenced the drawings to make the permit application and then became ill and could not complete them.

In response to a question from Chair L. McNair, Ms. Yu replied the apartment was constructed in October, 2010.

In response to a question from Committee member J. Andrews, Planner S. Laughlin advised the apartment would comply with the existing and proposed zoning regulations. She noted there are six bedrooms in the dwelling therefore they would require a 100 metre separation distance from any dwellings with accessory apartments with six bedrooms, however the City is not aware of any six bedroom homes with accessory units within 100 metres.

The neighbours expressed support for the variance request as she is forced to raise two children and the income is required.

Staff advised an application for building permit has been 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 B. Birdsell seconded by J. Andrews,

“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 Interim Control By-law (2010)-19019 for 56 Baxter Drive, to permit a 70.91 square metre (764 square foot) two bedroom accessory apartment when the Interim Control By-law in place does not permit the establishment of an accessory unit for any R.1 and R.2 zoned properties in Ward 6, be approved.”

Carried.

**Application:** A-15/11  
**Applicant:** Pierre Sandor  
**Agent:** Pierre Sandor  
**Location:** 572 Edinburgh Road South  
**In Attendance:** Pierre Sandor



The Secretary-Treasurer advised letters were received in objection to the application.

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Pierre Sandor explained the property has equal frontages on Youngman Drive and Edinburgh Road which makes it difficult to construct an addition with the interpretation of side yard/rear yard requirements. He noted the addition would be constructed in line with the left side building wall.

Chair L. McNair questioned if the applicant would consider providing additional rear yard.

Mr. Sandor replied he would consider this as the size of the addition is flexible.

Committee member B. Birdsell questioned what material would comprise the exterior wall of the addition.

Mr. Sandor replied the Youngman side has siding to match the existing house.

Committee member R. Funnell questioned if staff had concern with the application with the submission of the proposed floor plan.

Mr. Sandor noted the size of the addition has been changed to 22 feet by 22 feet to address some concerns from staff.

Chair L. McNair questioned if there were any six bedroom homes with accessory units within 100 metres of the subject property.

Mr. Sandor replied there is one property less than 75 metres towards Kortright Road.

Committee member R. Funnell questioned if the applicant was prepared to pull the addition over to provide a greater rear yard.

Mr. Sandor replied he willing to provide a rear yard equal to the existing rear yard at 1.056 metres.

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 seconded by J. Andrews,

June 14, 2011 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 Table 5.1.20-Row 8 of Zoning By-law (1995)-14864, as amended, for 572 Edinburgh Road, South, to construct a 6.86 metre by 7.31 metre (22.5 foot by 24 foot) addition to the rear of the dwelling which will be situate 1 metre (3.28 feet) from the rear lot line when the By-law requires any addition be setback a minimum of 7.5 metres or 20% of the lot depth, whichever is less [3.6 metres (11.73 feet)], be approved.”

Carried.

The meeting adjourned at 6:10 p.m.

L. McNair  
Chair

Kim Fairfull, ACST  
Secretary-Treasurer

**COMMITTEE OF ADJUSTMENT**

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday June 28, 2011 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell  
P. Brimblecombe  
B. Birdsell  
J. Andrews  
L. McNair – Chair  
D. Kelly, Vice-Chair  
A. Diamond

Regrets: n/a

Staff Present: S. Laughlin, Planner  
R. Kostyan, Planner  
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 P. Brimblecombe,

“THAT the Minutes from the June 14, 2011 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

Other Business

The Assistant Secretary-Treasurer advised the Ontario Municipal Board hearing has been scheduled for Application A-13/11 at 387 Ironwood Road. The hearing has been scheduled for July 28, 2011 in Committee Room 112, for one day.

June 28, 2011 C of A Minutes

**Application:** A-42/11  
**Applicant:** Bernice Green  
**Agent:** Mal Benham, Complete Home Concepts  
**Location:** 598 Woodlawn Road East  
**In Attendance:** Bernice Green  
Kim Brown, Complete Home Concepts

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Ms. Brown replied that the sign was posted and the staff comments were received. She explained that the application is for a minor variance for a rear yard setback for a relative size addition which comes with a deck. She further explained everything will be constructed in accordance with the Ontario Building Code and the glass coverage which was mentioned in the staff comments has been taken care of.

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 R. Funnell and seconded by D. Kelly,

“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 598 Woodlawn Road East, to permit a 3.66 metre by 3.66 metre (12 foot by 12 foot) one storey sunroom addition be situated 5.7 meters (18.7 feet) from the rear lot line when the By-law requires the addition be setback 6.913 meters (22.7 feet), be approved subject to the following condition:

1. That the proposed sunroom will have as much glazing as permitted by the Ontario Building Code to ensure that impact on adjacent properties is minimized.”

Carried

**Application:** A-41/11  
**Applicant:** William and Pia Marquardt

**Agent:** n/a

**Location:** 65 Raglan Street

**In Attendance:** William Marquardt

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Marquardt replied that the sign was posted and staff comments were received. He explained that the dwelling currently has a front porch which he would like to remove. This will create additional living space for the house.

Committee member D. Kelly questioned if the applicant read the heritage comments.

Mr. Marquardt replied that he did speak to the Heritage Planner this Friday. He explained that he realized that the addition at the back of the dwelling would increase the footage of the house but it would not create the necessary living space for his family. He further explained that for their needs, the addition works best at the front of the house.

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 P. Brimblecombe and seconded by J. Andrews,

“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, Table 4.7 Row 1 and Section 5.1.2.7 i) of Zoning By-law (1995)-14864, as amended, for 65 Raglan Street,

- a) To permit a 2.1 metre by 6.7 metre (7 foot by 22 foot) two storey addition at the front of the dwelling to be situated 2.44 metres (8 feet) from the front lot line when the by-law requires the addition have a setback of 4.45 meters (14.6 feet) from Raglan Street
- b) To permit the two storey addition to be situated 1.06 metres (3.48 feet) from the right side lot line when the By-law requires a minimum setback of 1.5 metres (4.92 feet)
- c) To permit a 1.2 metre by 1.2 metre (4 foot by 4 foot) entrance landing to the front of the addition to project 3.2 metres (10.6 feet) into the required setback [4.45 metres (14.6 feet)], when the By-law requires a maximum projection of 3 metres (9.84 feet) into the required setback, be approved subject to the following condition:

1. 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 relocation of their service to the house. This would be at the owner's expense."

Carried

**Application:** A-45/11

**Applicant:** Daryl Earing Executor / Estate Christopher J. Dearing

**Agent:** Heidi McGill

**Location:** 109 Norfolk Street

**In Attendance:** Heidi McGill

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. McGill replied that the sign was posted and staff comments were received. She explained that she is a registered doctor of naturopathic medicine. Currently her business is located at 111 Norfolk and she is interested in purchasing 109 Norfolk Street. She explained that she has added on to her staff by hiring two naturopathic doctors and they are tight on space at current business location. Currently only two naturopathic doctors can operate at the same time and they need to provide 7 off-street parking spaces. She further explained that 190 Norfolk Street currently has one off-street parking space but the property could potentially provide four off-street parking spaces. She commented that her plan was not to provide any off-street parking on site but to park on-street on Yarmouth Street and Baker Street instead.

Committee member P. Brimblecombe questioned if she met with staff regarding the parking problem.

Ms. McGill replied that she did meet with planning staff and also corresponded via email. She explained that she is not able to give further details regarding parking on the subject property. Norfolk Street has some new on-street parking spaces and there is also parking available at Yarmouth Street and Baker Street parking lot. She commented that her staff walks or bikes to work and only one staff member parks on the Baker Street parking lot. She explained that they would not continue using the five parking spaces provided for 111 Norfolk Street after they move their offices.

Committee member A. Diamond questioned how many clients they would see during the day.

Ms. McGill replied they would see about 7-10 clients during the day and the appointments are from 30 to 60 minutes long. She explained that there is plenty of time in between one client coming in and the other leaving. Currently, two of the naturopaths work half time.

Committee member P. Brimblecombe questioned if the staff looked at the parking situation at 109 Norfolk Street.

Planner S. Laughlin replied that they did look at how many off-street parking spaces are currently available. She commented that the applicant now proposes to provide none. She explained that they initially estimated four off-street parking spaces were available but realized that only two can be provided on the property. She further explained that with a variance, possibly three off-street parking spaces could be provided, which would include moving the existing garage, but not four. She explained that the purpose for deferring this application was to be able to determine the exact number of off-street parking spaces which can be provided on site. This way any items which require a variance regarding the parking will be included in the revised application.

Ms. McGill replied that her preference would be to move in as soon as possible and apply for the off-street parking variances at a later date. She expressed some concern on the length of time it would take if the application was deferred especially when she does not own the building yet. She explained that she has not put an offer on the purchase of the property yet knowing that the off-street parking is limited.

Planner S. Laughlin explained that the applicant applied for a variance for four off-street parking spaces and further notice might be needed if proposal is to provide no off-street parking on site.

Committee member B. Birdsell questioned if the application could be approved with a condition to develop a site plan and with only one off-street parking space.

Planner S. Laughlin replied that the variance would have to be approved with no off-street parking provided on site but the committee has to be satisfied that proper notice has been given. She further explained that the distance between three parking spaces could be less than three meters from the property line, which is a requirement in the Zoning By-law. Another requirement in the by-law is to provide ingress and egress of vehicles in a forward motion only; this could also be another variance the applicant might need. She commented that the recommendation would be to bring all this back so that all necessary variances are included.

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

Moved by P. Brimblecombe and seconded by D. Kelly,

“THAT Application A-45/11 for C. Dearing at 109 Norfolk Street, be deferred sinedie, to provide details on off-street parking on the subject property and accurately identify all

required variances, and in accordance with the Committee’s policy on applications deferred sinedie, that the application will be considered to be withdrawn if not dealt with within 12 months of deferral and that the deferral application fee be paid prior to reconsideration of the application.”

Carried

**Application:** A-44/11

**Applicant:** Dean Palmer

**Agent:** Michelle Ariss

**Location:** 26 Eramosa Road

**In Attendance:** Michelle Ariss  
Michelle Kelly, SmithValeriotte  
Marcel Schlaf  
Linda O’Neill  
Bryan Griffin

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. Kelly replied that sign was posted and staff comments were received. She explained that they are seeking for approval for a legal non-conforming use. The subject property was used as a photography studio and the intent is to change this use into a dance studio. She commented that the off-street parking requirement is for six to be provided on site. Currently the property has three off-parking spaces but one of them might have an issue with the three meter distance requirement from the property line. She explained that her client would like to use it as a residential dwelling and a dance studio. The building has an open room layout which is perfect for ballroom dancing. She commented that the proposed use is more compatible than the prior photographic studio since there would be a residential use with the dance studio. She commented that the photographic studio in the past had art showings and community events where sometimes around 70 people must have parked in the area.

Ms. Kelly explained that art studios are promoting the downtown atmosphere and will not have an adverse impact on the neighbourhood. She commented that the off-street parking seems to be an issue according to staff comments. The requirement is for six off-street parking spaces but the applicant being the only staff member also living in the dwelling, essentially only five would be required. She explained that in re-calculating the dance floor space, only four parking spaces are required which should be considered minor. There is significant amount of on-street parking in the area. She commented that couples attending lessons would generally only need one vehicle per couple. The applicant’s clients consist of 75% adults and 25% children indicating that there would



not be too many children being dropped off for lessons. She explained that unfortunately due to liability reasons the church is not willing to rent out parking spaces. She noted that the church might be for sale soon due to dwindling numbers of members.

Ms. Kelly further explained that she does not see purely residential use being a better use since substantial modifications to the building would be required. Her clients business is the only competitive ballroom studio in the area which would bring several out-of-town customers to the City of Guelph. She expressed some concern on a staff condition to limit the dance studio group lesson enrolment to a maximum of 12 people. Her client would like to see this slightly higher at 16 people. She is also not anticipating very large groups for special events. Ms. Kelly questioned if the condition on pick-up / drop-off could also have Mitchell Street as an option.

Committee member J. Andrews questioned if the client has looked for other options for parking other than the church parking lot.

Ms. Ariss replied that the city parking lot is for permit parking only. She noted that there is another church off Norwich Street but would not know what the outcome of that would be.

Committee Chair L. McNair commented that a gathering place should have the fire department to indicate how many people can be at the premises at the same time.

Committee member A. Diamond questioned how many classes are being offered for children during the week.

Ms. Ariss replied that the children attending lessons start from three years old and up. She explained that most of the teenagers take the bus to her lessons. She further explained that there are approximately 30 children in total attending dance lessons and she offers approximately five classes per day, six days a week and of those approximately five classes a week are lessons for children.

Mr. Schlaf commented that he resides at 166 Arthur Street North which is across the street from the back driveway of the subject property. He commented that Arthur Street is not considered to be part of downtown. He explained that due to the history of the area, the residents do not have a choice but to park on the street and pay for a permit to do this. With the winter snow build-up, there simply is no parking available on the street and this makes the residents park a fair distance away from their houses. He commented that a new business will only deteriorate their quality of life. He further explained that he does not feel parking several meters away from their home is fair. He commented that the simple solution would be to designate two parking spots for residential permit parking only on Arthur Street and have City enforce this.

Mr. Griffin residing at 164 Arthur Street North commented that he agrees with Mr. Schlaf's comments. He explained that the use of a dance studio is not similar to a photography studio; the number of people moving in and out is significant. He further explained that there should be off-street parking available on the subject property if a business is being proposed to operate from there.

Planner S. Laughlin commented that the enforcement or signage of parking on City streets is regulated by Operations and would be unreasonable for this committee to bind Operations regarding this. She further commented that it would not be appropriate to fix a current residential parking problem through this application.

Ms. Kelly commented that her client would be willing to purchase Norfolk Street City parking permits to alleviate the parking problem.

Mr. Palmer, the property owner commented that there is parking available on Mitchell Street which is closer to the front door of the building. His photography studio had no set business hours but was open for appointments.

Committee member R. Funnell questioned if amendments to conditions could be considered: that the applicant agrees to limit the dance studio group lesson enrolment to a maximum number of people established by the Fire Department and the applicant agrees to provide at least three off-street parking spaces on site.

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 J. Andrews and seconded by P. Brimblecombe,

“THAT Application A-44/11 for Dean Palmer at 26 Eramosa Road, be deferred sinedie, so the applicant/agent can discuss with the City of Guelph Operations department a possible compromise regarding existing residential on-street parking on Arthur Street North, and to discuss with the Fire Department regulations regarding maximum number of people allowed in the premises, 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-38/11, A-39/11

**Applicant:** Allen and Kathley Remley, Charles and Brenda Albert

**Agent:** Astrid Clos, Astrid J. Clos Planning Consultants

**Location:** 29 and 31 Dougall Street

**In Attendance:** Astrid Clos  
Allen Remley

**Greg Clark**  
**Morgan Court**  
**Charlie and Brenda Albert**

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Ms. Clos replied that signs were posted and staff comments were received. Ms. Clos explained that with the asphalt and concrete there is still 15.5 feet of landscaping for both of the units. She further explained that the owners purchased the property because the lots are wider; 10.4 meters for each unit. The lots drop off towards the back which provides natural light for the rear walk-out units. She noted that when building permits were submitted for the legalization of apartment units, the driveways needed to be minimum 5 meters wide or 48.07 % of the front yard. She explained that the Zoning By-law allows for a maximum driveway width of 40% which constitutes 4.16 meters. The asphalt portion is 4.77 meters or 45.86% of the front yard. The asphalt and concrete combined is 5.68 meters which constitutes 54.61 %; this is 1.52 meters wider than what is permitted in the by-law. Ms. Clos further explained that there is adequate room for snow storage and landscaping. She explains that the applicant has requested a variance to be able to retain the 5.68 metre driveway unless the committee recommends removing asphalt in between the two houses to be replaced with grass. She commented that they are willing to agree to a condition of keeping garages clear of debris and use them for parking only.

Ms. Court who resides at the basement unit of 31 Dougall Street voiced her support for the application. She explained that she only has one car and parks it on the parking space provided. She further explained she likes the neighbourhood and would like to be able to remain as a tenant.

Mr. Clark who resides at the basement unit of 29 Dougall Street voiced his support for the application. He explained that even with all the construction occurring on the street, there has never been a problem with parking. He further explained that he has lived in the basement unit for a year and would like to be able to stay.

Committee member D. Kelly questioned if both of the apartment units were built without building permits.

Mr. Remley replied that basement renovations were done with building permits but kitchens were added in later. He explained that the purpose was to wait for the driveways to be put down first and then apply for the building permits.

#### Application A-38/11

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 P. Brimblecombe,

“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 29 Dougall Street, to permit a 5.68 metre (18.6 foot) wide driveway when the By-law requires a maximum of 40% of the front yard [4.16 metres (13.6 feet)], be approved subject to the following condition:

1. The garage shall be kept clear of debris and is available for parking at all times.”

Motion would 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 J. Andrews,

“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 29 Dougall Street, to permit a 5 metre (16.4 foot) wide driveway when the By-law requires a maximum of 40% of the front yard [4.16 metres (13.6 feet)], be approved subject to the following condition:

1. Hard surfaces must be reduced to 5 meters in width.”

Motion would 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 J. Andrews,

“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 29 Dougall Street, to permit a 5.68 metre (18.6 foot) wide driveway when the By-law requires a maximum of 40% of the front yard [4.16 metres (13.6 feet)], be approved.”

Motion would 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 A. Diamond and seconded by D. Kelly,

“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 29 Dougall Street, to permit a 5.68 metre (18.6 foot) wide driveway when the By-law requires a maximum of 40% of the front yard [4.16 metres (13.6 feet)], be refused.”

Motion would 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 D. Kelly and seconded by J. Andrews,

“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 29 Dougall Street, to permit a 5 metre (16.4 foot) wide driveway when the By-law requires a maximum of 40% of the front yard [4.16 metres (13.6 feet)], be approved subject to the following conditions:

1. Hard surfaces shall be reduced to 5 meters (16.4 feet) in width.
2. The garage shall be kept clear of debris and is available for parking at all times.”

Carried.

#### Application A-39/11

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 P. Brimblecombe,

“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 31 Dougall Street, to permit a 5.68 metre (18.6 foot) wide driveway when the By-law requires a maximum of 40% of the front yard [4.16 metres (13.6 feet)], be approved subject to the following condition:

1. The garage shall be kept clear of debris and is available for parking at all times.”

Motion would 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 J. Andrews,

“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 31 Dougall Street, to permit a 5 metre (16.4 foot) wide driveway when the By-law requires a maximum of 40% of the front yard [4.16 metres (13.6 feet)], be approved subject to the following condition:

1. Hard surfaces must be reduced to 5 meters in width.”

Motion would 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 J. Andrews,

“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 31 Dougall Street, to permit a 5.68 metre (18.6 foot) wide driveway when the By-law requires a maximum of 40% of the front yard [4.16 metres (13.6 feet)], be approved.”

Motion would 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 A. Diamond and seconded by D. Kelly,

“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 31 Dougall Street, to permit a 5.68 metre (18.6 foot) wide driveway when the By-law requires a maximum of 40% of the front yard [4.16 metres (13.6 feet)], be refused.”

Motion would 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 D. Kelly and seconded by J. Andrews,

“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 31 Dougall Street, to permit a 5 metre (16.4 foot) wide driveway when the By-law requires a maximum of 40% of the front yard [4.16 metres (13.6 feet)], be approved subject to the following conditions:

1. Hard surfaces shall be reduced to 5 meters (16.4 feet) in width.
2. The garage shall be kept clear of debris and is available for parking at all times.”

Carried.

**Application:** A-43/11

**Applicant:** George and Teresa Durigon

**Agent:** Smithvaleriotte Law Firm LLP, John E. Valeriotte

**Location:** 2 Zaduk Place

**In Attendance:** John Valeriotte, SmithValeriotte

**Ben Bryce, SmithValeriotte**

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Valeriotte replied that the sign was posted and staff comments were received. He explained that this is a unique application to establish a sports court on one vacant lot with the residential house on the other. He noted that it makes sense to propose a condition of keeping number 1 and 2 Zaduk Place under the same ownership. He explained that there is no municipal condition to build a house on the vacant lot but some day the house will probably be built. He further explained that the applicant has no attempt to put lights on the sports court. He commented that a sports court is most likely quieter than a swimming pool and it might even be a favourable thing not to have a house built on the lot.

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 J. Andrews 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 5.1.1 and 4.5.1.4 of Zoning By-law (1995)-14864, as amended, for 2 Zaduk Place, to permit a 247.48 square metre (2663.85 square foot) sports court on the vacant parcel with main use being located on the adjacent property (1 Zaduk Place) when the by-law requires accessory structures on a property in conjunction with a main use and the total area of all accessory structures shall not exceed 70 square metres (753.47 square feet), be approved subject to the following condition:

1. That the 1 and 2 Zaduk Place remain under the same ownership.”

Carried

The meeting adjourned at 5.58 PM p.m.

L. McNair  
Chair

Minna Bunnett  
Assistant Secretary-Treasurer



## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday July 12, 2011 at 4:00 p.m. in Committee Room B, City Hall, with the following members present:

R. Funnell  
P. Brimblecombe  
B. Birdsell  
J. Andrews  
L. McNair – Chair  
A. Diamond

Regrets: D. Kelly, Vice-Chair

Staff Present: S. Laughlin, Planner  
R. Kostyan, Planner  
K. Fairfull, Secretary-Treasurer  
M. Bunnnett, Assistant Secretary-Treasurer

### Declarations of Pecuniary Interest

Bill Birdsell declared a pecuniary interest regarding application A-51/11 for 21 Bowen Drive due to the owner being a client.

### Meeting Minutes

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

“THAT the Minutes from the June 28, 2011 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

There was no other business to discuss.

**Application:**            **A-48/11**

**Applicant:**            **Paul Shaubel**

**Agent:**                **Christine Shaubel**

**Location:**            **12 Central Street**

**In Attendance:**       **Christine and Paul Shaubel**

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Shaubel replied that the sign was posted and the staff comments were received. He explained that the application is for an addition to increase the size of their house. He further explained that the addition will be 0.6 meters from the property line.

Committee member J. Andrews questioned if the applicant is aware of the staff comments regarding not being able to have windows on the left side of the addition.

Mr. Shaubel replied that they are aware of this 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 J. Andrews 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 12 Central Street, to permit a one storey sunroom addition to be constructed 0.67 metres (2.20 feet) from the left side rear lot line when the By-law requires the addition be setback a minimum of 1.5 metres (4.92 feet) from the lot line, be approved.”

Carried

**Application:**            **A-49/11**

**Applicant:**            **Progress Lodge #158 I O O F Of Ontario**

**Agent:** Dancetheatre David Earle; David Earle and Michael English

**Location:** 58 Albert Street

**In Attendance:** Michael English  
Freddie Potvin  
Daphne Wainman-Wood (Old University Neighbourhood Residents' Association)  
Rick and Debbie Thompson  
Denis Perdue

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. M. English replied that he did post the sign and staff comments were also received. He explained that he has put an offer to purchase the building which has a legal non-conforming status. The purpose of the application is to change the use to accommodate a dance company.

Committee member R. Funnell questioned if the applicant had reviewed carefully the letter from a neighbour with respect to concern on noise.

Mr. M. English replied that their classes which run from 10.30 a.m. to 12 p.m. have a single person playing hand drums and also the children's classes which run from 4 p.m. to 7 p.m. have hand drum percussion. He continued that the traffic will not be a problem due to small class sizes with 10-15 people at a time in the evenings between 4-9 p.m.

Committee member R. Funnell questioned staff whether they were aware of the use of drums when reviewing the application.

Planner R. Kostyan replied that no, they were not aware of this.

Ms. D. Wainman-Wood with Old University Neighbourhood Resident's Association noted that the Association likes to promote arts and are in support of the proposed use but is concerned of the Committee setting a precedent with permitting the commercial use. She further explained that the Association is supporting this application but would not support another commercial use in the future if this dance company moves.

Chair L. McNair commented that if the use changes, it will come back again to the Committee.

Mr. R. Thompson, a resident of Albert Street questioned if there is any control over the business hours due to the noise concerns.

Mr. M. English replied that they have no intention to have loud parties.

Planner S. Laughlin commented that the Committee can impose hours of operation if they feel it is appropriate.

Committee member A. Diamond replied that the noise by-law should cover that concern.

Ms. F. Potvin commented that the dance company is aware of the noise by-law. She explained that the school consists of cultural activity and does not organize parties. She further explained that the nature of the organization is to co-operate with neighbours when organizing larger events.

Committee member R. Funnell questioned what the regular hours of the business will be.

Mr. M. English replied that the hours of operation would be from 10.30 a.m. Monday to Friday and a reception might go until 10.30 p.m. to 11 p.m. He commented that they are a modern dance company and the use of the building would not be any different from the events that have occurred under the current owner. He explained that they have organized a neighbourhood meeting to answer all these concerns and questions.

Committee member J. Andrews questioned the current property owner if they had special events that went past midnight.

Mr. D. Perdue appeared on behalf of the owner and commented that often the sororities from University of Guelph had special events which would go past midnight. He explained that they followed up to make sure the events ended appropriately.

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 J. Andrews,

“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 58 Albert Street from a 266 square metre (2863.17 square foot) social club to a not-for-profit commercial school, be approved.

Moved in amendment by R. Funnell

“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 58 Albert Street from a 266 square metre (2863.17 square foot) social club to a not-for-profit commercial school, be approved subject to the following condition:

1. That the hours of operation be limited to 9 a.m. to 11 p.m.”

Defeated

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 J. Andrews,

“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 58 Albert Street from a 266 square metre (2863.17 square foot) social club to a not-for-profit commercial school, be approved.”

Carried

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

**Application:** A-51/11  
**Applicant:** Nathan Reid Homes Ltd.  
**Agent:** Van Harten Surveying Inc.  
**Location:** 21 Bowen Drive  
**In Attendance:** Jeff Buisman  
Meredith Haslam  
Murray Hahn

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. J. Buisman replied that yes the sign was posted and they did receive staff comments. He explained that the proposed driveway is 8.97 metres wide for a part of the driveway. The mouth of the driveway does conform with the zoning by-law regulation. He further explained that the proposed driveway is within 50% of the front yard which is allowed in the Zoning by-law. He commented that the Zoning by-law does not allow a driveway to be wider than 7.5 meters, which implies that the Zoning by-law does not allow three car garages. He noted that he does not think this was the intent of the Zoning by-law. He explained that there is no

intention to have a second unit in the dwelling; the third garage is for the son of the future owners. He commented that the other houses are not facing 21 Bowen Drive and another house has already been built with a three car garage. He commented that the property in question is large and they have no objection to merging the future walkway with the driveway. He further commented that they would need at least 5 metres at the bottom of the driveway.

Committee member R. Funnell questioned staff if the amendment reduces the landscaped area and staff is therefore recommending the refusal.

Planner R. Kostyan replied that the width of the proposed driveway is still over 7.5 metres.

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 J. Andrews

“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 4.13.7.2 ii) of Zoning By-law (1995)-14864, as amended, for 21 Bowen Drive, to permit a 8.97 metre (29.4 foot) wide driveway when the By-law requires a maximum driveway width of 7.5 metres (24.6 feet), be refused.

Reason for refusal being:

1. The intent of the Zoning by-law is not being maintained as the municipality does not want driveways to dominate neighbourhoods.”

Carried

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

**Application:** A-47/11  
**Applicant:** Robert and Rhonda Mackay  
**Agent:** n/a  
**Location:** 18 Sunnylea Crescent  
**In Attendance:** Rhonda McKay

**Alex McKay**

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. McKay explained they retained a landscape architect to design their rear when a rear addition was constructed. He noted the landscape architect expressed no concerns about the location of the hot tub and they were not aware a building permit was required. He explained that if the hot tub was moved to comply with By-law requirements it would be located in the middle of their rear sliding glass door. He noted a portion of the concrete slab encroaches into the side yard swale however the adjacent property has a rock garden that also encroaches and there has never been drainage issues. He explained the abutting property owner is currently in long term care and is not able to understand the need for agreements to be registered on title.

Committee member J. Andrews questioned if the adjacent property owners have a family member who is authorized to sign an agreement.

Rhonda McKay replied their daughter has power of attorney.

Committee member A. Diamond noted it is not uncommon to have an agreement registered on title regarding fence encroachments and questioned why there concern about the agreement.

Rhonda McKay replied the neighbour is elderly and the family is uncomfortable with any agreements being registered on title as they plan to list the property for sale.

In response to questions from the members of the Committee, Planner S. Laughlin noted the agreement would warn future owners there may be concerns about drainage.

Mr. McKay noted if there were concerns about drainage, they would be willing to remove the structure. He further noted there are no drainage problems with the structure in its present location.

Committee member R. Funnell noted there is only one direction of water drainage in the neighbourhood and that is towards the rear lot line. He was not concerned there would be a drainage problem.

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 seconded by J. Andrews,

“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 4.5.5.3 and Table 4.7 – Row 1 of Zoning By-law (1995)-14864, as amended, to permit a 2.4 metre by 2.4 metre (7.8 foot by 7.8 foot) hot tub to be situate 0.6 metres (2 feet) from the left rear side property line and associated deck to be situate 0.3 metres (1 foot) from the left rear side lot line when the By-law requires every hot tub be located a minimum of 1.5 metres (4.92 feet) from any lot line and any deck be located a minimum of 0.6 metres (1.97 feet) from the side lot line, be approved.”

Carried

**Application:**            **A-46/11**  
**Applicant:**            **Peter Szpular**  
**Agent:**                 **n/a**  
**Location:**            **4 Balfour Court**  
**In Attendance:**       **Peter Szpular**

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Szpular replied the notice sign was posted and comments were received from staff. He explained he has owned the house for 21 years and the apartment has existed since it was built. He explained City staff came to inspect the new pool in 1990 and he was advised there were no problems until the house was recently listed for sale. He explained the reconstruction of the pool was an insurance claim and he was under the understanding a permit was obtained by the contractor. With respect to the basement apartment he noted there are many accessory apartments in the neighbourhood and his apartment has been utilized since 1989.

Chair L. McNair noted there is a large accessory building in back corner of the property.

Mr. Szpular replied the building is a shed for the pool equipment.

Committee member A. Diamond questioned what the size of the building and questioned if it complied with By-law requirements.

Mr. Szpular replied the shed was 10 foot or 12 foot and corrected himself that it was under 100 square feet and therefore did not require a building permit.



The Secretary-Treasurer noted Zoning staff was concerned the shed was located too close to the lot line.

Committee members requested each variance be dealt with by separate resolution.

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 seconded by P. Brimblecombe,

“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 4.5.5.3 of Zoning By-law (1995)-14864, as amended, for 4 Balfour Court, to permit a 4.6 metre by 9.8 metre (15 foot by 32 foot) inground swimming pool to be situate 0.9 metres (3 feet) from the rear and side property line when the By-law requires every swimming pool be located a minimum of 1.5 metres (4.92 feet) from any lot line, be approved.”

Carried.

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 P. Brimblecombe,

“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 Interim Control By-law (2010)-19019, to permit a 71.7 square metre (772 square foot) one bedroom accessory unit when the By-law prohibits Interim Control By-law in place does not permit the establishment of an accessory unit for any R.1 and R.2 zoned properties in Wards 5 and 6, be approved.”

Carried.

**Application: A-50/11**  
**Applicant: Gordon Street Co-Operative Development Corporation**  
**Agent: Megan Torza**  
**Location: 3-7 Gordon Street**

**In Attendance:**        **Megan Torza**  
                                 **Tim Welsh**  
                                 **Mike vanHeinert**  
                                 **Sysha Dawood**  
                                 **Greg Clarke**  
                                 **Domenic Carere**

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Welsh replied the notice sign was posted and comments from staff were received. He explained they propose to construct a non-profit development consisting of 52 residential units, 5 live-work units and a commercial space on the ground floor. He provided evidence the project is compatible with places to grow and the downtown secondary plan.

Megan Torza outlined in detail the variances requested. She noted they have received approval from the Heritage Committee who has no objection to the small encroachment into the protected view of Church of our Lady.

Mr. Welsh explained they have been working with planning staff who have challenged them on occasions however the project before the Committee will result in positive development for the community.

Chair L. McNair noted staff has advised an additional variance will be required to permit the 5 live-work units. He questioned if the application will require re-circulation.

Planner S. Laughlin advised the request for 5 live-work units was stated in the Notice of Public Hearing, however the By-law section was not identified. She noted the requirement for re-circulation is at the discretion of the Committee members.

Committee member B. Birdsell questioned how far the parking structure would be located from the property line.

Ms. Torza replied the parking structure would be located 4 feet from the property line.

Chair L. McNair questioned if construction could occur within 2 feet of a property line.

Mike vanHeinert, Construction Manager, advised they propose to use wake-shoring and an on-site engineer will be utilized during the construction. He noted there will be a continual wall which will guarantee there will be no damage to the neighbouring property.

Committee member B. Birdwell questioned how much deeper the underground parking will be compared to the abutting property.

Ms. Torza replied the bedrock is 15 feet below grade and they will be required to go a few feet below this grade.

Committee member B. Birdwell questioned the height of the building compared to the abutting property.

Ms. Torza replied the building will be 4 storeys and the adjacent building is a 3 storey building.

Chair L. McNair questioned if there be designated visitor parking.

Mr. Welsh replied there will be 5 spaces provided at the dead end of Essex Street. He noted there is a public parking lot in the Wilson Street parking lot and on-street parking permitted on Essex Street.

Planner S. Laughlin advised the Committee the 5 parking spaces to be created at the dead end of Essex Street is public parking only, not specifically dedicated to this project.

Chair L. McNair questioned if any of the 15 surface parking spaces was designated as visitor parking.

Mr. Welsh replied the parking spaces on site will be purchased as part of the condominium so no visitor parking has been identified at this time.

Planner S. Laughlin noted the Zoning By-law does not require visitor parking.

Mr. Carere explained he owns the abutting property to the south. He explained the property line for the subject property is located 1.5 feet in his building wall. He questioned who would be responsible for maintaining the building wall. He submitted objections to the proposed construction related to the building size, location and off-street parking.

Mr. Torza explained there will be a walkway between the two buildings from the surface parking to the commercial units facing Gordon Street.

Chair L. McNair expressed concern the walkway would only be 1.6 feet wide taking into account property line location in the wall.

Ms. Torza replied they will ensure the walkway is 4 feet in width.

Chair L. McNair questioned if staff supports a 4 foot wide walkway between the buildings.

Planner S. Laughlin replied staff support a 4 foot wide walkway.

July 12, 2011 C of A Minutes

Members of the Committee discussed the property line location and felt the application should be deferred to investigate if a 4 foot wide walkway can be provided with the existing property line location.

Mr. Welsh questioned if the Committee could consider the remaining variances. The Committee preferred to hear the entire application.

Mr. Carere questioned why the building could not be shifted away from his building.

Planner S. Laughlin replied the municipality would not allow the building on the Essex Street road allowance.

Committee member B. Birdsell requested a cross section of the proposed building relative to the existing building.

Moved by B. Birdsell seconded by J. Andrews,

“THAT Application A-50/11 for Gordon Street Co-Operative Development Corporation at 3-7 Gordon Street, 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.

The meeting adjourned at 5:45 p.m.

L. McNair  
Chair

Kim Fairfull, ACSST  
Secretary-Treasurer

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday August 9, 2011 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell  
P. Brimblecombe  
B. Birdsell  
J. Andrews (until 5:30 p.m.)  
L. McNair – Chair  
D. Kelly, Vice-Chair

Regrets: A. Diamond

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

### Declarations of Pecuniary Interest

Committee member P. Brimblecombe declared a pecuniary interest regarding application A-58/11 for 97 Wyndham Street North due to the owner is a client.

### Meeting Minutes

Moved by B. Brimblecombe and seconded by J. Andrews,

“THAT the Minutes from the July 12, 2011 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

The Assistant Secretary-Treasurer advised that the Ontario Municipal Board hearing has been adjourned for Application A-24/11 at 61 Rickson Avenue. The hearing has been re-scheduled for September 7, 2011 in Committee Room 112, for one day.

August 9, 2011 C of A Minutes

**Application:** A-62/11  
**Applicant:** Colonel John McCrae Memorial Branch 234  
**Agent:** Guelph Legion, Dorothy Durnford  
**Location:** 57 Watson Parkway South  
**In Attendance:** Dorothy Durnford, Guelph Legion  
Eric Smart, Guelph Legion  
Wayne Rahn, Guelph Legion

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. D. Durnford replied that yes the sign was posted and they did receive staff comments. She explained that the application is for an outdoor patio for the new legion.

There were no other 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 P. Brimblecombe and seconded by D. Kelly,

“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 4.22.1, 4.17.2.3 and 4.17.2.6 of Zoning By-law (1995)-14864, as amended, for 57 Watson Parkway South, to permit an outdoor patio to the rear of the building when the By-law requires the operation of every commercial zone use be conducted within an enclosed building or structure, be approved.”

Carried.

**Application:** A-53/11  
**Applicant:** Mar-Cot Developments Inc.  
**Agent:** BJC Architects Inc., Jeff Hillen  
**Location:** 1467 Gordon Street

**In Attendance:**        **Mike Cotroneo**  
                                  **Jeff Hillen**

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. J. Hillen replied that yes the sign was posted and the staff comments were also received. He explained that the site has been developed over the year and there have been issues with the parking. He further explained that even though the permitted use they are asking for is a medical office, the use of the space as a hearing centre will not require as much parking.

Chair L. McNair questioned if a parking variance is required.

Planner S. Laughlin replied that staff has reviewed the proposal and a parking variance is not required.

Committee member B. Birdsell reminded the Committee that the application is for a use variance and not for a parking variance. Any future changes will be reviewed by staff at that time.

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 D. Kelly,

“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 6.1.3.25.1 and 6.1.1 of Zoning By-law (1995)-14864, as amended, for 1467 Gordon Street, to establish a 94 square metre (1,011 square foot) Medical Office (hearing centre) on the second floor when the permitted uses for the C.1-25 Zone does not permit a Medical Office, be approved subject to the following conditions:

1. The proposed use shall be limited to a “Hearing Centre” and that a Medical Office shall not be permitted.
2. The “Hearing Centre” shall be located on the second floor of the building with a maximum Gross Floor Area of 94m<sup>2</sup> (1011.84 sq. ft.).
3. The maximum number of practitioners in the “Hearing Centre” shall be limited to one (1).
4. The maximum number of support staff in the “Hearing Centre” shall be limited to one (1).

5. The freestanding pylon sign on Gordon Street be setback in compliance with the Sign By-law and removed from City owned lands within 90 days of the decision.”

Carried

Committee member P. Brimblecombe, having declared pecuniary interest for the next application, left the room.

**Application:** A-58/11

**Applicant:** Candevco Property (One) Ltd.

**Agent:** Nancy Shoemaker

**Location:** 97 Wyndham Street North

**In Attendance:** Adair Hanna  
Mel Davis  
Bruce Miller, The Works  
Andy O’Brien, The Works  
Nancy Shoemaker  
Ian Panabaker, City of Guelph  
Karol Murillo, City of Guelph  
Richard Chaloner  
Bob Bell, Councillor  
Marty Williams

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. Shoemaker replied the notice sign was posted and comments were received from staff. She distributed information to the Committee members about the proposed business She distributed some information to Committee members about the proposed The Works Gourmet Burger Bistro and advised the business owners were in attendance to address any questions. She explained they plan to establish a full service restaurant with a business that currently has 12 restaurants in other cities, all located in the downtown. She distributed floor plans for the restaurant and advised the basement will be used primarily for storage and the second floor mezzanine will be utilized as office space. She further noted they met with the owner of Budd’s Department store and shared the plans for the building and they have no further concern. She noted the tenant also spoke with the Downtown Board of Management who has communicated with all surrounding businesses.



Committee members thanked applicant for the information as the further information received has addressed some concerns.

Richard Chalonder expressed concern about another licensed establishment in downtown. He noted he was involved in law enforcement and much of police business in the downtown is connected to licensed establishments. He explained the floor area requested is almost double than what is permitted in the By-law. He noted the recommendations from staff should be forwarded to the liquor license board for enforcement to ensure the hours of operation are met.

Mr. O'Brien explained he has 25 years experience in the restaurant business. He noted their restaurants in Ottawa and Kingston close at 10:00 p.m. so there was no concern about the recommended hours of operation. He noted liquor sales comprise up to 50% of the sales however their liquor sales comprise 8% as they mostly sell milkshakes. He noted they have no intentions of using the basement for the restaurant seating and the mezzanine is being used for office area only. He noted they cater to the business crowd and pride themselves in locating in downtowns.

Committee member R. Funnell questioned if they have concern with limiting the seating to 82 persons.

Mr. O'Brien replied they have no concern however would like to request a maximum of 90 seats.

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. Andrews,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Sections 6.3.2.5.2 and 6.3.2.5.4 of Zoning By-law (1995)-14864, as amended, for 97 Wyndham Street, North, to establish a 90 seat licensed restaurant with an area of 476.4 square metres [272.6 square metre restaurant on the main floor, 150.7 square metre storage in the basement and 53.1 square metre office associated with the restaurant in the second floor mezzanine] when the By-law requires the floor area of a licensed establishment shall not exceed 230 square metres and the use be located on the first floor only, be approved, subject to the following conditions:

1. That the licensed portion of the restaurant be limited to 90 seats and be on the first floor of the building.
2. That liquor sales cease as of 12:01 a.m. for the licensed establishment."

Carried.

Committee member P. Brimblecombe was summoned back to the meeting room.

**Application:** A-56/11  
**Applicant:** Michelle Miller  
**Agent:** L. Alan Grinham Architect Inc.; Lloyd Grinham  
**Location:** 137 Arthur Street North  
**In Attendance:** Lloyd Grinham  
Tim Middleton

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Grinham replied the notice sign was posted and comments were received from staff. 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 B. Birdsell and seconded by D. Kelly,

“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 137 Arthur Street, North, to construct a one storey 4.9 metre by 4.9 metres (16 foot by 16 foot) addition to the rear of the building which would be located 6.4 metres (20.9 feet) from the left side lot line, 8.6 metres (28.2 feet) from the right side lot line and 14.47 metres (47.47 feet) from the rear lot line, be approved.”

Carried.

**Application:** A-60/11 and A-61/11  
**Applicant:** Saadoon Maged  
**Agent:** Taylor McDaniel  
**Location:** 112 and 114 York Road

**In Attendance:**        **Taylor McDaniel**  
                                  **Michael Smit**

The Secretary-Treasurer advised there was an additional email received in objection to the application from the owner of 155 Ontario Street. She summarized the concerns expressed.

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. McDaniel replied the notice signs were posted and comments were received from staff. He explained the houses on both parcels were destroyed last year by fire. He explained he would like to purchase both parcels and construct two residential dwellings. He explained the lot shapes are irregular and what was considered a side yard for 114 York Road is actually a rear yard.

Michael Smit who resides at 110 York Road questioned what type of dwellings are proposed for the properties and what the height of the dwellings will be.

Planner S. Laughlin replied the zoning only permits single family dwellings with accessory units if the property meets the regulations.

Mr. McDaniel replied the houses will be 2 storeys in height.

Mr. Smit expressed concern about the size of the dwellings and the lack of amenity areas.

Chair L. McNair questioned what the dimensions of the side yards were adjacent to 110 York Road.

Planner S. Laughlin quoted a side yard ranging from 1.55 metres to 4 metres.

Chair L. McNair noted the front wall of 110 York is in line with the front wall of the proposed dwellings.

Mr. Smit replied there are two houses located on this lot and the semi-detached is located at the front of the property and his house is located at the rear of the lot.

Chair L. McNair questioned if there will be attached garages in the dwelling.

Mr. McDaniel replied there will be attached garages with residential space above.

Committee member B. Birdsell questioned if the Committee could limit the size of the dwellings.

Planner S. Laughlin replied there are no regulations in the By-law that limits the size of residential dwellings and the Committee should only be considering the variances requested.

August 9, 2011 C of A Minutes

Committee member B. Birdsell questioned if there is a maximum building height requirement in the By-law.

Planner S. Laughlin replied the maximum building height is 3 storeys.

Chair L. McNair questioned if there was a maximum coverage requirement.

Planner S. Laughlin replied the By-law establishes minimum setbacks from lot lines only.

Committee member B. Birdsell questioned if the designs for the dwellings has been completed.

Mr. McDaniel replied they have conceptual plans however they are not with him.

The Committee discussed possible amendments to the design of the dwelling to accommodate a larger rear yard for 114 York Road, however it would compromise the parking space depth.

Application Number A-60/11

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

Moved by P. Brimblecombe 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, variances from the requirements of Table 5.1.2-Row 3 and Row 9 and Table 4.7 – Row 1 and 3 of Zoning By-law (1995)-14864, as amended, for 112 York Road, to construct a new residential dwelling and,

- a) to permit a lot area of 360 square metres (3,875 square feet) when the By-law requires a minimum lot area of 460 square metres (4,951.39 square feet);
- b) to permit the residential dwelling to be situate 3.5 metres (11.48 feet) from the rear lot line when the By-law requires a minimum rear yard of 4.63 metres (15.19 feet); and,
- c) to permit a roofed porch to be situate 1.05 metres (3.44 feet) from the front lot line and the associated stairs to be situate 0.4 metres (1.31 feet) from the front lot line when the By-law requires a roofed porch be situate a minimum of 2 metres (6.56 feet) from the front lot line and the stair be situate a minimum of 0.8 metres (2.62 feet) from the front lot line,

be approved, subject to the following conditions:

1. That the owner of 112 and 114 York Road pays the actual cost of constructing new service laterals to the property 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 the issuance of any building permits.
2. That the owner of 112 and 114 York Road 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.
3. 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 two new houses via underground duct system. This would be at the owner's expense."

Reasons for approval being: -

1. Most residential properties have only 1.5 metres side yard between the house and the property line. This property has a side yard in excess of 4 metres and is located next to a property with a laneway in their right side yard."

Carried.

Application Number A-61/11

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

Moved by P. Brimblecombe 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, variances from the requirements of Table 5.1.2-Row 3 and Row 9 and Table 4.7 – Row 1 and 3 of Zoning By-law (1995)-14864, as amended, for 114 York Road, to construct a new residential dwelling and,

- a) to permit a lot area of 265 square metres (2,852.43 square feet) when the By-law requires a minimum lot area of 460 square metres (4,951.39 square feet);
- b) to permit the residential dwelling to be situate 1.5 metres (4.92 feet) from the rear lot line when the By-law requires a minimum rear yard of 3.81 metres (12.5 feet); and,
- c) to permit a roofed porch to be situate 1.05 metres (3.44 feet) from the front lot line and the associated stairs to be situate 0.4 metres (1.31 feet) from the front lot line when the By-law requires a roofed porch be situate a minimum of 2 metres (6.56 feet)

from the front lot line and the stair be situate a minimum of 0.8 metres (2.62 feet) from the front lot line,

be approved, subject to the following conditions:

1. That the owner of 112 and 114 York Road pays the actual cost of constructing new service laterals to the property 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 the issuance of any building permits.
2. That the owner of 112 and 114 York Road 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.
3. 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 two new houses via underground duct system. This would be at the owner's expense."

Carried.

Committee member J. Andrews left the meeting at 5:30 p.m.

**Application:** B-20/11 and A-59/11  
**Applicant:** Carolyn Moore  
**Agent:** Van Harten Surveying, James Laws  
**Location:** 13 Extra Street  
**In Attendance:** James Laws  
Carolyn Moore

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. J. Laws replied that the notice sign was posted and comments were received from staff. He distributed information for the Committee members. He explained that the application is for a lot line adjustment. Carolyn Moore owns both properties where 13 Extra Street is a semi-detached dwelling and 17 Extra Street is a single family home. He further explained that both properties are zoned Residential R.1B. He noted that the single family home has five bedrooms and has used the amenity area in the rear of 13 Extra Street for the last 15 years. He commented

that the lot configuration at 11 Extra Street is the same as what they are proposing for number 13; therefore the lot line adjustment is appropriate for this area.

Chair L. McNair questioned the dimension from the house at 17 Extra Street to the right side lot line and if this is enough to service the utilities going to the rear of the lot. He further questioned if it would be a good idea to extend the easement further.

Mr. J. Laws replied that this is a good suggestion.

Chair L. McNair questioned if Planning Services would support the extended easement.

Planner S. Laughlin replied that Planning Services recommended refusal of the applications as submitted and as amended.

The Committee recommended the easement depth changed to 1.5 metres (4.92 feet) wide to 19.84 meters (65.09 feet) long to accommodate any required servicing of the utilities.

#### Application B-20/11

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 B. Birdsell and seconded by P. Brimblecombe,

"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 22, Registered Plan 205, to the rear of 13 Extra Street with a width of 8.5 metres (27.8 feet) and a length of 12.5 metres (41 feet) as a lot addition to 17 Extra 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 locate the position of the sanitary sewer and water lateral serving 17 Extra Street and be responsible for the entire cost of locating the existing sanitary sewer and water laterals, satisfactory to the Plumbing Inspector, prior to endorsement of the deeds.
4. That prior to endorsement of the deeds, the owner grants an easement approximately 1.50-metres (4.92 feet) wide by approximately 19.84-metres (65.09 feet) long, registered on title, in favour of 17 Extra Street (Part of Lots 22 and 23, Registered Plan 205).
5. That prior to endorsement of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the easement.
6. That prior to endorsement of the deeds, the owner's solicitor certifies that the easement in favour of 17 Extra Street, (Part of Lots 22 and 23, Registered Plan 205), has been granted and registered on title.
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 August 12, 2012.
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.

Application A-59/11

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 P. Brimblecombe,

“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 13 Extra Street to permit a lot area of 165 square metres (1,776 square feet) when the By-law requires a minimum lot area of 460 square metres (4,951.3 square feet), be approved subject to the following condition:

1. That the conditions imposed for application B-20/11 be and form part of this approval”

Carried.

**Application:**            **A-57/11**

**Applicant:**            **Tania Bialas**

**Agent:**                **Simon Giles**

**Location:**            **16 Keys Crescent**

**In Attendance:**       **Simon Giles**  
                              **Bob Jonkman**  
                              **Max Mauricio**  
                              **Karla Mauricio**

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. S. Giles replied that yes the sign was posted and staff comments were also received. He explained that the application is for putting a side entrance leading to the basement. They are following the guidelines for maximum clearance which places the stairs too close to the property line.

Committee member R. Funnell questioned if he had seen the staff comments.

Mr. S. Giles replied that they have seen the comments and there is clearance on the other side of the house as well. He explained that they have planned for proper drainage and weeping tile.

Mr. B. Jonkman, a neighbour questioned if the purpose for the stairs is for an apartment in the basement.

Mr. S. Giles replied that the owner's parents have mobility issues and there is a plan for an apartment for them in the future.

Mr. M. Maruicio owner of 14 Keys Crescent explained that the entrance to the basement is most likely for creating an apartment for rent. He commented that there would only be five inches between properties which is not enough. He explained that the value of their property would be decreased and some damage might occur to their property.

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 D. Kelly 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 12 of Zoning By-law (1995)-14864, as amended, for 16 Keys Crescent, to permit exterior basement stairs to be located 0.13 metres (6 inches) from the left side property line when the By-law requires an exterior stair be located a minimum of 0.6 metres (1.97 feet) from the lot line, be refused.

Reasons for refusal being:

1. The variance does not meet the four tests of the Planning Act as there would be a real effect on the neighbouring property and it is not appropriate development of the land."

Carried.

**Application:** A-44/11  
**Applicant:** Dean Palmer  
**Agent:** Michelle Ariss  
**Location:** 26 Eramosa Road  
**In Attendance:** Michelle Ariss  
Dean Palmer  
Jacquie D'Amato  
Bryan Griffin

**Marcel Schlaf**

Secretary-Treasurer K. Fairfull summarized an email in support of the application received from David Douglas, the owner of 163 King Street. In addition to this, a petition was dropped of in favour of the application. Heritage Guelph also encouraged the development at their meeting on August 8, 2011 with recommendations to retain and conserve the building's heritage attributes.

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. M. Ariss replied that yes the sign was posted and the staff comments were received. She explained that her application was deferred at the June 28, 2011 meeting. She commented that she has been teaching ballroom dance classes for 2½ years and is currently teaching at Norfolk Street United Church. She explained that she has been looking for a building for quite some time where she can also reside. The property at 26 Eramosa Street is perfect for her needs since it has a big 25 feet wide and 50 feet long open space and a residential unit downstairs. The building was a gospel hall church in 1917 and in 1990 an addition was built with an approved parking variance. She explained that her application is for a variance for three off-street parking spaces in lieu of the six required, which she considered to be minor. The City of Guelph is growing and the downtown core is anticipating 6000 more residents within 20 years or so. She commented that the location is excellent and it would be a shame not to see the doors open for the public to enjoy.

Mr. D. Palmer, the current owner of the building commented that the Committee had asked to investigate the dedication of specific spaces for on-street parking permits for the Arthur Street residential properties. He explained that Operations staff would not consider this option. He explained that the street parking pictures he submitted were taken when the dance classes would be occurring. He further explained that the pictures speak for themselves; either street was not close to capacity.

Committee member P. Brimblecombe questioned whether the Saturday parking on Mitchell Street has been an issue.

Mr. D. Palmer replied that it has not been an issue. He explained that having the dance studio at this property would have a positive impact on the neighbourhood and would also maintain the original open concept area with keeping the heritage attributes. He commented that he would like to see Mitchell Street included as an acceptable pick-up area since it is a less busy street. He further commented that there is excessive parking in the area and the property is located only four minutes from Baker Street parking lot.

Committee member D. Kelly questioned if the applicant is aware of the condition regarding maximum enrolment number.

Ms. M. Ariss passed on a floor plan showing number of maximum capacity based on number of washrooms. She explained the 12 student maximum was based on the average dance class size. She further explained that it does not reflect the number of people in the building at one time as parents will come watch their children dance. She explained her intention is to add a second washroom. Having two washrooms would allow for more occupancy as per the Ontario Building Code.

Committee member P. Brimblecombe questioned if around 50 people attend practise on regular basis on Fridays.

Ms. M. Ariss replied that no, as an example last Friday she only had 12 students attending.

Mr. B. Griffin, the owner of 164 Arthur Street North commented that it is difficult to say if this is a minor variance since the amount of traffic will be higher than it was for a photo studio. He noted that the location is better where the dance classes are currently being held at Norfolk Street church. He explained that his property value will be decreased if he is not able to park in front of his house. Mr. Griffin handed out a schedule printed from the internet for dance classes currently being held and a picture of Arthur Street parking situation during the hours of dance classes. He explained that especially during the winter parking will be an issue since people will take the most convenient parking spot. He commented that it would be a bad idea not to limit the number of people but the Committee could restrict it for at least a year and see how it goes.

Mr. M. Schlaf, owner of 166 Arthur Street North highlighted the items explained on his email submitted to the Committee. He also commented that the applicant has provided an emotional motion for the application. He explained that the people on the petition are not directly affected by the parking and he asked the Committee to consider how far these emotional items carry. He commented that there will be up to 50 people on a regular basis on Fridays parking there and the 8 a.m. to 5 p.m. two hour parking restriction on the street is not enforced. He noted that people will pick the parking spots that are convenient to them, especially during the winter. He commented that the property is going from one business to another instead of towards the intended residential zone. He explained that it is not fair that he has to park a couple hundred metres away from his house.

Ms. J. D'Amato commented that when downtown properties are being purchased, the people are aware that there is no parking and that the two residents on Arthur Street North would have been counselled that there are no driveways on their properties. She explained that they are allowed to purchase an on-street parking permit. She further explained that the owners made the choice of having no parking on their properties which usually is the case with heritage buildings. She noted that it seems that rest of the neighbourhood would welcome the new business there.

Planner S. Laughlin noted that condition number three should read: "That upon approval of the proposed minor variance, the applicant ensures that any pick-up/drop-off for the proposed dance studio does not occur on Eramosa Road."

Chair L. McNair questioned if the applicant can ask for clients not to park in front of properties on Arthur Street.

Ms. M. Ariss agreed to this request.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by D. Kelly and seconded by P. Brimblecombe,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to change the legal non-conforming use at 26 Eramosa Road from an Artisan Studio to a Commercial School (dance studio) and to permit three off-street parking spaces when the Zoning By-law (1995)-14864, as amended, requires a total of six off-street parking spaces, be approved subject to following conditions:

1. That the applicant agrees to limit the dance studio group lesson enrolment to a maximum of 12 people and that during special events (to be held once a month) the maximum number of attendees will not exceed 40 people.
2. That the applicant explores a parking arrangement with the Community of Christ church.
3. That upon approval of the proposed minor variance, the applicant ensures that any pick-up/drop-off for the proposed dance studio does not occur on Eramosa Road.

Reasons for approval being:

1. This is an appropriate use for the property
2. There is enough off-street parking to accommodate the use.”

Carried.

**Application: A-51/11**

**Applicant: Community Living Guelph Wellington**

**Agent: Community Living Guelph Wellington**

**Location: 108 Flaherty Drive**

**In Attendance: Bob Butella  
Sandy Morrow**

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Butella replied the notice sign was posted and comments were received from staff. He noted they are requested permission to permit an accessory apartment in an existing group home which will allow a resident to increase her independence and still have support of group home.

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 P. Brimblecombe,

“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 1 of Zoning By-law (1995)-14864, as amended, for 108 Flaherty Drive, to permit a one bedroom 52.7 square metre (567 square foot) accessory unit in the existing group home when the By-law requires that the group home occupy the whole of a single detached dwelling, be approved, subject to the following conditions:

1. The dwelling unit provides accommodation for a person with specialized needs and requiring some degree of supervision and support services from staff of the Group Home within the same building.
2. The total number of residents in the building, excluding staff, be between 4 to 8 residents.
3. Prior to any change of ownership to revert back to a single detached use, one bedroom in the main unit be removed to allow only four bedrooms.”

Carried.

**Application: A-50/11**

**Applicant: Gordon Street Co-Operative Development Corporation**

**Agent:** Megan Torza  
Tim Welch

**Location:** 3-7 Gordon Street

**In Attendance:** Megan Torza  
Tim Welch  
Art Vanmaren  
John Farley  
Emery Dawson  
Beryl Dawson  
Domenic Carere

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Welch explained the notice signs were posted and comments were received from staff. He noted there were some questions about the construction of the building at the last meeting and as a result they met with City staff and submitted the required information for Building Services staff to review prior to the application being brought back for consideration.

Ms. Torza explained there was concern about the 1.5 metre laneway between the subject property and the abutting property. She advised the laneway has been removed and gates will be installed at the front and rear of the building to limit access to building maintenance staff only. She explained construction details to the Committee to assure them there will be damage to the abutting building during construction. She noted the property line is located in the abutting property building wall and they are aware they will be responsible for maintenance of that wall.

The Secretary-Treasurer read an email received from Building Services staff explaining their position with the proposal. It was noted in the email that construction will be supervised by an architect and an engineer.

Ms. Torza noted they understood the detailed requirements to be submitted with the building permit application.

Mr. Carere, the owner of 15-17 Gordon Street and 7-11 Nottingham Street advised he submitted a letter in objection to the application. He explained he was still opposed to the application because of the size of the building, the location adjacent to his building, the landscaping proposed interfering with access along the right-of-way to the rear of the property and its compatibility with the surrounding neighbourhood.

Committee member P. Brimblecombe requested clarification on what the plans are for the wall of the adjacent building.

Ms. Torza replied the wall will be the backdrop for their courtyard so it will be in their best interest to beautify the wall and keep in maintained. She noted the condominium corporation will be responsible for maintaining that wall once the building is constructed.

Committee member L. McNair requested clarification what the building height was adjacent to 15-17 Gordon Street.

Ms. Torza replied the building is 4 storeys adjacent to the property.

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, variances from the requirements of Table 6.6.2 – Row 5 and Sections 6.6.3.8.1.1, 6.6.3.8.3.2, 6.6.3.8.3.4 and 14.8.2 of Zoning By-law (1995)-14864, as amended, for 3-7 Gordon Street, to construct a 6 storey apartment building containing 52 apartment units and 5 grade related live-work units and 1 commercial unit on the ground floor, and,

- a) to permit a south side yard of 1.2 metres when the By-law requires a minimum side yard of one half of the building height but not less than 3 metres;
- b) to permit a 2.438 metre rear yard when the By-law requires a minimum rear yard of 2.476 metres;
- c) to permit a total of 53 off-street parking spaces [15 surface spaces and 38 below grade] when the By-law requires 69 off-street parking spaces;
- d) to permit an encroachment at elevation 339.68, a projection of 2.9 metres and to permit an encroachment at elevation 338.46, a projection of 6.9 metres when the By-law requires that no part of any building or structure constructed within any of the protected view areas defined on Defined Area Map Number 63 shall exceed the elevation specified for its site construction;
- e) to permit the underground parking garage to be located 0 metres from the lot line when the By-law requires an underground parking area be located a minimum of 3 metres of a lot line, and,
- f) to permit 5 live/work units on the ground floor of the building when the By-law permits a variety of commercial/residential uses, but does not permit ‘live/work’ use,

be approved, subject to the following conditions:



1. The Owner agrees to re-submit and receive approval from the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing to the satisfaction of the General Manager of Planning and Building and the General Manager/City Engineer, 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 constructs the building at such an elevation that the building can be serviced with a gravity connection to the sanitary sewer.
3. That prior to site plan approval, the owner shall enter into a new Site Plan Control Agreement with the City, registered on title, satisfactory to the General Manager/City Engineer and the City Solicitor, agreeing to satisfy the above-noted conditions including the relevant conditions outlined in the existing Site Plan Control Agreement, and to develop the site in accordance with the approved plans.
4. That the proponent installs bicycle parking facilities and a secure bicycle storage area within the proposed building in accordance with the City of Guelph Design Guidelines and Table III of the Site Plan Approval Procedures and Guidelines.
5. That the number of residential units in the proposed development will not exceed 52 residential units.
6. That the number of live/work units in the proposed development will not exceed five (5).
7. That the commercial component of the proposed development will not exceed 160 square metres in gross floor area.
8. That a noise report be submitted to Canadian National Railway for their review and approval to address the potential impacts of railway noise on the indoor environment which would include the facades, central air conditioning in the units, review of ground borne vibration and an environmental easement."

Carried.

The meeting adjourned at 7:40 p.m.

L. McNair  
Chair

Kim Fairfull, ACST  
Secretary-Treasurer

**COMMITTEE OF ADJUSTMENT**

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday August 23, 2011 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

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

Regrets: P. Brimblecombe

Staff Present: R. Kostyan, 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 R. Funnell and seconded by D. Kelly,

“THAT the Minutes from the August 9, 2011 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

Other Business

No other business to report.

**Application:** A-66/11  
**Applicant:** Upper Grand District School Board  
**Agent:** Upper Grand District School Board  
**Location:** 75 Ottawa Crescent  
**In Attendance:** Blair Capling

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. B. Capling replied the sign was posted and the staff comments were also received. He explained that they will be constructing a two classroom addition to the school. He further explained that they can not comply with the required 43 parking spaces in the existing parking lot due to grading issues. He noted that they have extra deferred parking in a gated area which works well especially with special events but these can not be counted towards the 43 required parking spaces.

Chair L. McNair questioned if the deferred parking area will be paved.

Mr. B. Capling replied it is already paved.

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 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 4.13.4.4 of Zoning By-law (1995)-14864, as amended, for 75 Ottawa Crescent, to construct a 303.5 square metre (3,266.8 square foot) one storey addition and to permit a total of 27 off-street parking spaces when the By-law requires 43 off-street parking spaces, be approved.”

Carried

**Application:** A-69/11  
**Applicant:** McDonald’s Restaurant of Canada Ltd.

**Agent:** IBI Group

**Location:** 65 Gordon Street

**In Attendance:** Tony Withall

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. T. Withall replied yes the sign was posted and staff comments were also received. He explained that the application is for a side yard setback variance. He further explained that future renovations at McDonald's will include removing the existing vestibules and replacing them with new ones to provide wheelchair accessibility. He pointed out that a similar variance was approved in 1977 for the current vestibule.

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 J. Andrews seconded by D. Kelly,

"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 6.6.2 Row 5 of Zoning By-law (1995)-14864, as amended, for 65 Gordon Street, to permit a left side yard of 0.69 metres (2.27 feet) for a 2.32 square metre (25 square foot) vestibule when the By-law requires a side yard of 3 metres (9.8 feet), be approved."

Carried

**Application:** A-71/11

**Applicant:** Market Green Developments Inc. / Lise Burcher

**Agent:** Lloyd Grinham Architects

**Location:** 28 Essex Street

**In Attendance:** Lloyd Grinham

**Maria Pezzano**

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. L. Grinham replied yes the sign was posted and staff comments were also received. He proceeded with handing out a sketch with more details on the proposed artisan studio. He explained that after reading the condition staff recommended regarding noxious use, the updated sketch will assist the Committee with understanding what the intention of the artisan studio is. He commented that they have no issues with the staff comments or the condition.

Chair L. McNair questioned staff whether an artisan studio would be allowed in the specialized residential zone.

Planner R. Kostyan replied that no, it would not be permitted; an artisan studio would be a legal non-conforming use on the subject property.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by D. Kelly seconded by A. Diamond,

“THAT in the matter of an application under Section 45(2)(a)(ii) and Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to change the legal non-conforming use and a variance from the requirements of Section 4.13.4.2 of Zoning By-law (1995)-14864, as amended, for 28 Essex Street, to permit an approximately 399.5 square metre (4300 square foot) artisan studio in an area previously occupied by a vehicle repair shop and to permit five (5) off-street parking spaces when the By-law requires 30 off-street parking spaces, be approved subject to the following condition:

1. That no “Noxious Use” as defined in the Zoning By-law shall be permitted on the premises of the proposed artisan studio.”

Carried

**Application: A-68/11**

August 23, 2011 C of A Minutes

**Applicant:**               **Zoe MacKinnon**

**Agent:**                   **Liz Schieck**

**Location:**               **115 Water Street**

**In Attendance:**       **Zoe MacKinnon**  
                              **Liz Schieck**  
                              **John Gruzleski**

The Assistant Secretary-Treasurer summarized a letter received in support of the application from the owner of 35 Fairview Boulevard.

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. Z. MacKinnon replied that yes, the sign was posted and the staff comments were also received. She explained that the application is for changing the use of the dwelling to allow for registration of the existing accessory apartment. She further explained that the carport variance was needed due to the carport not being long enough for the By-law requirement.

Committee member J. Andrews questioned if the concerns expressed in the letter from the Old University Neighbourhood Association was a reflection of all the owners in the area.

Committee member D. Kelly questioned if the comment in the letter regarding the construction of the apartment despite getting a refusal from the Building Services was accurate.

Ms. Z. MacKinnon replied that after discussing the letter with the president of the Old University Neighbourhood Association, she believes they did not have all the facts when the letter was written. She explained that when she purchased the dwelling, the apartment was already installed. She further explained that she has proceeded with applying for a building permit for the accessory apartment to make it legal but she had to wait for the decision of the Committee of Adjustment.

Mr. J. Gruzleski, vice president of The Old University Neighbourhood Association explained how the letter was based on the facts as they had them when the letter was written. He confirmed the source of their information was the City website. He further explained how the wording in the letter was certainly not in any way intended to implicate the owner being a scrupulous landlord. He explained there have been minor variance applications in the past where forgiveness is being asked for instead of permission. He proceeded with formally apologizing to Ms. MacKinnon for any distress the letter caused.

Secretary Treasurer K. Fairfull commented that the Building Services can accept a building permit application but due to the Building Code regulations must refuse it within 10 business

days of application date. She further explained that the status of the permit on the City website will then appear as “refused”.

Chair L. McNair commented the Interim Control By-law is not in effect in the R.4 zone which might be causing some confusion.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by J. Andrews and seconded by R. Funnell,

“THAT in the matter of an application under Sections 45(2)(a)(ii) and Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to change the legal non-confirming use and a variance from the requirements of Section 4.13.3.2.2 of the Zoning By-law (1995)-14864, as amended, for 115 Water Street, to permit a single detached dwelling with an accessory unit and to permit the legal off-street parking space in the carport to have a depth of 5.8 metres (19 feet) when the By-law requires a depth of 6 metres (19.7 feet, be approved.”

Carried

**Application:** A-70/11

**Applicant:** 1210891 Ontario Ltd.

**Agent:** Artisanale Café & Bistro, Garrod Pickfield LLP

**Location:** 214 Woolwich Street

**In Attendance:** Yasser Qahawish  
Christie Young  
Peter Pickfield  
Shirley Oosterveld  
Rance Oosterveld  
Ian Panabaker

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

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

Christie Young, a representative from Artisanale Restaurant made a presentation on the nature of the business, currently located at 37 Quebec Street. She advised their lease is expiring in 2012 and as a result they have been looking for a location in or near the downtown. She advised this property would provide the opportunity to locate a 45 seat accessible restaurant which could also cater to small private functions.

Peter Pickfield summarized the nature of the application and provided arguments the proposed use met the requirements under Section 45(2) of the Planning Act. He explained the area is dominated by professional offices and the restaurant caters to this clientele. He noted the property is located just outside of the central business district which requires no off-street parking. He advised that within one block is located Woolwich Arms and Other Brothers restaurant which require no off-street parking. He explained the lunch patrons would walk to the restaurant and during dinner hour the commercial businesses surrounding the property are closed resulting in ample on-street parking. He noted Baker Street parking lot is within walking distance of the restaurant and could be used by the patrons. He noted the relief requested is technical in nature as the property is located in a Mixed Use 2 area in the Downtown Plan which will allow for restaurant uses.

Committee member A. Diamond questioned if they have obtained formal permission from surrounding businesses to park in their parking lots.

Mr. Pickfield replied they have had informal discussions however they do not feel they need to formally have parking in place during dinner hours as the offices in the area are closed during that time.

Chair L. McNair questioned how many accessible parking spaces would be required on the property.

Committee member B. Birdsell replied 1 space would be required to be an accessible parking space.

Mr. Mike Oosterveld explained he owned the adjacent property. He expressed support for the application and advised the use will compliment the surrounding uses in the area.

Mr. Panabaker, a member of staff, advised he represents downtown renewal and supported the request before the Committee. He was available to address any concerns of the Committee members.



August 23, 2011 C of A Minutes

Thomas Gibson explained he lives on the block. He questioned if staff are considering expanding the area which comprises the central business district.

Planner R. Kostyan advised there is a secondary plan currently under review and it is being considered.

Committee member D. Kelly noted the proposed use clearly meets the intent of Official Plan and has strong support from Economic Development and Downtown Renewal staff.

Committee member R. Funnell questioned if the applicant would have concerns with formalizing a lease arrangements with the surrounding businesses for the provision of off-street parking.

Mr. Qahawish explained the surrounding businesses close at 5 PM and would not require any parking after that time. He noted they would expect payment for any lease arrangements which is not economically viable at this time. He further noted there is ample on-street parking available which can be utilized.

Mr. Gibson noted the parking is in demand on-street during the daytime hours but not during or after dinner hour.

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, and having considered a change 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 J. Andrews,

“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.13, as amended, permission to change the legal non-conforming use and a variance from the requirements of Section 4.13.4.2 of Zoning By-law (1995)-14864, as amended, for 214 Woolwich Street, to establish a 157.93 square metre (1,700 square foot) restaurant on the ground floor while maintaining a residential unit on the second floor and to permit a total of 5 off-street parking spaces when the By-law requires a minimum of 22 off-street parking spaces, be approved.”

Carried

**Application:**            **A-64/11**

**Applicant:**           **Ronald Hebden**

**Agent:**                **n/a**

**Location:**           **79 Callander Drive**

**In Attendance:**       **Ronald Hebden**  
                              **Michael Hoffman**  
                              **Linda Clay**  
                              **Mike and Deborah Melnik**  
                              **Natalie and Kate Parsons**

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Hebden replied the notice sign was posted and comments were received from staff. He explained the severance of the lot was approved in 2007 and the design of the proposed dwelling has been drafted. He noted that because of the odd shape of the lot what is viewed to be a side yard is actually a rear yard requiring greater requirements. He advised he has been corresponding with the Environmental Planner for the proposed development and she has agreed with the arborist's report that two trees must be removed to accommodate the proposed construction. She has developed a tree replacement plan which he supported.

Planning R. Kostyan explained the severance was approved in 2007, subject to conditions related to development of the property including the location of the driveway. She advised staff will not be supporting the location of the garage in this location as the Committee's decision clearly identifies the garage location to be on the west side of the lot.

Committee member D. Kelly recalled the application and noted the reason the garage location was identified in that location was to ensure privacy for the abutting property owner who was concerned about the application.

Mr. Hebden replied he could locate the garage on the west side of the property.

Committee member B. Birdsell noted that the applicant may require time to redesign the site plan to conform with the requirements. He suggested the Committee defer the application to provide the time.

Committee member R. Funnell agreed with this recommendation as a redesign may result in different variances being required.

Moved by b. Birdsell seconded by D. Kelly,

“THAT Application A-64/11 for Ron Hebden at 79 Callander Drive, 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:** B-17/11  
**Applicant:** Stone Cliff Ridge Developments Inc.  
**Agent:** VanHarten Surveying Inc., Carson Reid Homes Ltd.  
**Location:** 35 Brockville Avenue  
**In Attendance:** Jeff Buisman

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

Mr. J. Buisman replied yes the sign was posted and they did also receive the staff comments. He explained that there was a bad contamination on the property due to an oil leak which caused the removal of the house. He further explained the owner applied for a zone change to allow for a semi-detached or a single detached dwelling on the property. He commented that the owner is now ready to sever the property for a semi-detached dwelling. He noted that they are comfortable with the proposed conditions.

There were no questions from the Committee.

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 B. Birdsell and seconded by J. Andrews,

“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 9, Registered Plan 24, to be municipally known as 37 Brockville Avenue, a parcel with a frontage of 8.535 metres (28 feet) and a depth of 50.292 metres (165 feet), be approved, subject to the following conditions:

1. The owner shall demonstrate to the City that the lands have been decommissioned in accordance with the current MOE "Guidelines for Use at Contaminated Sites in Ontario" and the owner has filed a record of site condition, prior to endorsement of the deeds.
2. 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 entrances 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
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 or 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.
4. 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.
5. 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.
6. That the owner pays the actual costs associated with the removal of the existing service laterals within the road allowance for the existing dwelling, prior to endorsement of the deeds.
7. 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.
8. 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 Brockville Avenue property line.

9. 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.
10. 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 General Manager/City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
11. Prior to issuance of a building permit and 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.
12. That the applicant enters into a Storm Sewer Agreement, as established by the City, providing a grading and drainage plan, registered on title, prior to issuance of a building permit of the lands and prior to any construction and grading of the lands.
13. 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 endorsonation of the deeds, at the rate in effect at the time of the endorsonation.
14. That the elevation and design for the new dwelling(s) on this parcel be submitted to, and approved by the General Manager of Planning & Building Services, prior to the issuance of a building permit for the new dwelling.
15. That a site plan be prepared for this parcel indicating:
  - a. The location and design of the new dwelling(s);
  - b. The location and the extent of driveway and legal off-street parking space(s) for the dwelling; and
  - c. Grading, drainage and servicing information as required by the General Manager of Planning & Building Services.

All of the above to be submitted to, and approved by, the General Manager of Planning & Building Services, prior to the issuance of a building permit for the new dwelling.

16. The developer agrees to plant three trees in the rear yard adjacent to the northerly property line of the existing lot to the satisfaction of the General Manager of Planning & Building Services to compensate for tree removal.
17. Prior to issuance of a building permit, the owner shall provide the City with written confirmation that the dwelling unit on the subject site will be constructed to a

standard that implements energy efficiency in order to support the Community Energy Plan to the satisfaction of the General Manager of Planning & Building Services.

18. 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 overhead servicing to the two newly created lots. This would be at the applicant's expense.
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 August 26, 2012.
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-18/11, B-19/11, A-54/11, A-55/11

**Applicant:** Monte Cirotto Real Estate Ltd., Kathleen Cirotto

**Agent:** VanHarten Surveying Inc.

**Location:** 39, 43 and 51 Stevenson Street North

**In Attendance:** Jeff Buisman  
Monte Cirotto

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Jeff Buisman replied the notice sign was posted and comments were received from staff. He explained Mr. Cirotto has owned the three parcels for at least 40 years and titles to 39 and 51 Stevenson Street has merged. He explained the details for the applications and demonstrated pictorially the layout of all the properties. He noted staff are generally in support of the applications with exception of the proposed easement to access the rear of the property at 51 Stevenson Street, North. He explained Mr. Cirotto has a garage with old classic cars. He noted the garage is accessed through a driveway between 39 and 43 Stevenson Street, North. He noted there are two existing driveways for 39 Stevenson Street, North, however one will be eliminated with the conveyance of the road widening which they are in agreement. He explained staff are recommending the easement be provided along the asphalt driveway of 39 Stevenson Street, North, which is not desirable as it would force the off-street parking for the two unit dwelling into the rear yard, eliminating amenity area and would result in the removal of mature cedar trees.

Chair L. McNair questioned if the easement access to the rear of 51 Stevenson Street could be accommodated along the driveway of 43 Stevenson Street, North.

Mr. Buisman replied the owner of 43 Stevenson Street needs the asphalt driveway for their parking space.

Committee member A. Diamond noted the easement being requested is in perpetuity. She questioned if the garage to the rear of 51 Stevenson Street could be accessed on its own property.

Mr. Buisman replied there is an existing garage on the property which blocks access to the rear of the property and noted there is significant grade change from the front of the dwelling to the rear yard.

#### Application Number B-18/11

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 B. Birdsell and seconded by J. Andrews,

“THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 38, Registered Plan 280, being part of the rear lands of 43 Stevenson Street, North, a parcel with a width of 12.2 metres (40 feet) and a depth of 14.9 metres (50 feet), as a lot addition to 51 Stevenson

Street, North, and subject to an easement along the right side lot line with a width of 0.6 metres (1.96 feet) and a length of 16.2 metres (53.14 feet) in favour of 51 Stevenson Street, North, to provide vehicular access to the rear lands, be approved, subject to the following conditions:

1. That the owner deeds to the City free of all encumbrances a 3.048-metres (10.0 feet) wide parcel of land for a road widening across the entire frontage of the said lands, prior to endorstation 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 prior to endorstation of the deeds, the servient tenement (43 Stevenson Street, Part of Lot 28, Registered Plan 280), grants an easement/right-of-way with a width of approximately 0.60-metres (1.97 feet) by a depth of approximately 13.15-metres (43.14 feet), for vehicular access to 51 Stevenson Street, registered on title, in favour of the dominant tenement (51 Stevenson Street, Part of Lot 28, Registered Plan 280).
5. That prior to endorstation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the severed parcel and the easements/right-of-ways.
6. That prior to endorstation of the deeds, the owner's solicitor certifies that the easements/right-of-ways, in favour of 51 Stevenson Street, Part of Lot 28, Registered Plan 280, has been granted and registered on title, in perpetuity.
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 August 26, 2012.
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."

Reason for approval being:

The severance reflects continuation of the existing use on the property. This is the practical way to address this large piece of property and access to the rear of 51 Stevenson Street, North.

Carried.

Application Number B-19/11

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. Andrews,

"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 38, Registered Plan 280, known as 39 Stevenson Street, North, a parcel with a frontage along Stevenson Street, North of 15.2 metres (49.86 feet) and a depth of 30.2 metres (99.08 feet), subject to an easement along the left side yard, with a width of 2.4 metres (7.87 feet) and up to 3 metres (9.84 feet) for vehicular access to the rear property (51 Stevenson Street, North), be approved, subject to the following conditions:

1. That the owner deeds to the City free of all encumbrances a 3.048-metres (10.0 feet) wide parcel of land for a road widening across the entire frontage of the said lands, prior to endorstation of the deeds.
2. That prior to endorstation of the deeds, the servient tenement (39 Stevenson Street, Part of Lot 28, Registered Plan 280), grants an easement/right-of-way with a width

- of approximately 2.40-metres (7.87 feet) by a depth of approximately 12.50-metres (41.01 feet) and approximately 13.15-metres (43.14 feet ), and a width of approximately 3.0-metres (9.84 feet) by a depth of approximately 14.0-metres (45.93 feet) and approximately 14.65-metres (48.06 feet), for vehicular access to 51 Stevenson Street, registered on title, in favour of the dominant tenement (51 Stevenson Street, Part of Lot 28, Registered Plan 280).
3. 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 easements/right-of-ways.
  4. That prior to endorsation of the deeds, the owner's solicitor certifies that the easements/right-of-ways, in favour of 51 Stevenson Street, Part of Lot 28, Registered Plan 280, has been granted and registered on title, in perpetuity.
  5. 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 parking space in front of 39 Stevenson Street, the restoration of the boulevard with topsoil and sod and the 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.
  6. Prior to endorsation of the deeds, the owner shall remove the existing parking space from in front of 39 Stevenson Street, to the satisfaction of the General Manager/City Engineer.
  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 August 26, 2012.
  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.

Reason for approval being:

The severance reflects continuation of the existing use on the property. This is the practical way to address this large piece of property and access to the rear of 51 Stevenson Street, North.”

Carried

Application Number A-54/11

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. Andrews,

“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 39 Stevenson Street, North, to permit a lot area of 360 square metres (3,875 square feet) when the By-law requires a minimum lot area of 460 square metres (4,951.39 square feet), be approved, subject to the following condition:

1. That the conditions imposed for Application B-18/11 be and form part of this approval.”

Carried.

Application Number A-55/11

The applicant acknowledged they would not be pursuing the request for the second 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 B. Birdsell and seconded by J. Andrews,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Table 5.1.2-Row 3 and Section 4.13.7.2ii) of Zoning By-law (1995)-14864, as amended, for 39 Stevenson Street, North,

- a) to permit two driveway entrances when the By-law permits 1 driveway access only for every residential property, be approved, and,
- b) to permit a lot area of 360 square metres (3,875 square feet) when the By-law permits a minimum .lot area of 460 square metres (4,951.39 square feet), be approved, subject to the following condition:

- 1. That the conditions imposed for Application B-19/11 be and form part of this approval.”

Carried.

**Application:** A-67/11  
**Applicant:** Peter Ames  
**Agent:** n/a  
**Location:** 23 Briarlea Road  
**In Attendance:** Christopher Young  
Peter Ames  
Ben Ames

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Ames replied the notice sign was posted and comments were received from staff. He explained he purchased the property a few years ago with an existing accessory apartment and renovations within the garage. Since that time he became aware basement finishes were completed without a building permit. He advised the accessory unit will comply with both the existing and proposed zoning regulations. With respect to the negative feedback received about the proposal, he explained there was little control of the tenants the first year he purchased the house, however, he has become experienced as a landlord and there has been no behavioural problems the past year.

Committee member A. Diamond noted there was mention that one of the room on the main floor is being used as a bedroom.

August 23, 2011 C of A Minutes

Mr. Ames replied the room is not big enough for a bedroom and it is not the intent of that room, however, during the summer one of the tenants has been sleeping in that room.

Committee member J. Andrews questioned what the size of the parking space is within the garage.

Planner Rita Kostyan replied the parking space depth is 5.2 metres in lieu of 6 metres which is a concern for staff.

Committee member A. Diamond noted the garage space is not being used for parking now which results in cars parking in the driveway area.

Committee member D. Kelly questioned how many parking spaces are required.

Planner R. Kostyan replied three parking spaces are required, two in driveway and one in garage.

Mr. Young objected to the application. He explained the property is being used as a lodging house for students when it should be a single family dwelling. He explained that more and more of these uses exist and they are losing single family dwelling neighbourhoods.

Mr. Ames explained the apartment has been there over 10 years. He explained he provided his telephone number and email address to all surrounding neighbours and there has been no complaints.

Committee member R. Funnell questioned if he had his solicitor check with the City to see if the accessory apartment was legal.

Mr. Ames replied his solicitor did not check however he has title insurance and is investigating now.

Committee member A. Diamond questioned if there was assurance the owner would remove the bedroom from the den.

Mr. Ames replied he would be willing to relocate the laundry room there.

#### 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 A. Diamond seconded by J. Andrews,

“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 Interim Control By-law (2010)-19019, being an Interim Control By-law passed by Guelph City Council on June 7, 2010, for 23 Briarlea Road, to permit a one bedroom accessory apartment in the basement when the By-law prohibits the creation of accessory apartments for all R.1 And R.2 zoned properties in a portion of Ward 5 and al of Ward 6, be approved, subject to the following condition:

1. That a maximum of 5 bedrooms in total be permitted in the house.”

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 A. Diamond seconded by J. Andrews,

“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 of Zoning By-law (1995)-14864, as amended, for 23 Briarlea Road, to permit the off-street parking space within the attached garage to have a depth of 5.2 metres (17 feet) when the By-law requires a minimum parking space depth of 6 metres (19.68 feet), be refused.”

Carried.

**Application:** A-63/11

**Applicant:** Vikram Sharma, Satnum Banwait

**Agent:** Vikram Sharma

**Location:** 1 Balfour Court

**In Attendance:** Vikram Sharma  
Satnum Banwait  
Marillet Sta-Ana

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

Mr. V. Sharma replied yes, the sign was posted and the staff comments were received. He explained that the dwelling has two rooms downstairs and three bedrooms upstairs. He commented that he realized there is no egress from the basement and he constructed a door to accomplish this. He explained that he received a letter from Building Services indicating he needs a permit for the renovations and for the creation of an accessory apartment. He further explained that due to the Interim Control By-law being put in place June 7, 2010, he was not able to get the apartment registered.

Committee member R. Funnell questioned if the applicants lawyer investigated if the apartment was legal in 2007 when he purchased the dwelling.

Mr. V. Sharma replied the basement had a permit but the apartment was not registered.

Committee member A. Diamond noted she is comfortable with the accessory apartment size variance which would be the only variance he needed without the Interim Control By-law being in place. She also noted there would most likely not be enough room to add another bedroom.

Chair L. McNair questioned if a condition can be added to restrict the number of bedrooms to five in total.

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 J. Andrews,

“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 Interim Control By-law (2010)-19019, being an Interim Control By-law passed by Guelph City Council on June 7, 2010 and a variance from the requirements of Section 4.15.1 of Zoning By-law (1995)-14864, as amended, for 1 Balfour Court,

- a) to permit the accessory apartment in the basement when the Interim Control By-law in place does not permit the establishment of an accessory unit for any R.1 and R.2 zoned properties in a portion of Ward 5 and all of Ward 6,
- b) to permit a 85.46 square metre (920 square foot) two bedroom accessory apartment when the by-law requires that the accessory apartment shall not exceed a maximum of 80 square metres (861.11 square feet) in floor area be approved, subject to the following condition:

1. That a maximum of five (5) bedrooms in total be permitted in the dwelling.”

Carried

**Application:** A-65/11  
**Applicant:** Rohafza Amiri  
**Agent:** Narges Osman  
**Location:** 3 Kortright Road East  
**In Attendance:** Narges Osman  
Iliar Loka

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

Committee members commented the sign was not clearly visible.

Ms. N. Osman explained the fire department has inspected the apartment and everything was in compliance. She noted that Building Services has concerns about the garage not being full length and she continued by distributing pictures of cars parked inside the garage.

Chair L. McNair questioned if the stairs in the two car garage make both parking spaces shorter.

Ms. N. Osman replied this is correct.

Committee member A. Diamond questioned if the only access to the basement apartment is from the garage stairs.

Ms. N. Osman replied they can still access the basement from inside of the house but it is not very convenient. She commented that if the Committee is considering refusing the application, she would prefer to extend the garage to comply with the By-law regulation and keep the existing stairs.

#### 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 J. Andrews,

“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 of Zoning By-law (1995)-14864, as amended, for 3 Kortright Road East, to permit a driveway width of 7.6 metres (25 feet) when the By-law requires a maximum driveway width of 7.4 metres (24.3 feet) up to a maximum of 7.5 metres (24.6 feet), be approved, subject to the following condition:

1. That the legal off-street parking space in the garage complies with the By-law regulations.”

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 J. Andrews and seconded by D. Kelly,

“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 of Zoning By-law (1995)-14864, as amended, for 3 Kortright Road East, to permit the legal off-street parking space in the garage to have a depth of 4.92 metres (16.1 feet) when the By-law requires a depth of 6 metres (19.7 feet) within a garage, be refused.”

Carried

**Application:** B-21/11, A-72/11, A-73/11

**Applicant:** Manish Raizada

**Agent:** Jackie Swaisland

**Location:** 158 Paisley Street

**In Attendance:** Jackie Swaisland  
Manish N. Raizada

**Chris Sievert**  
**Jason Kennedy**  
**John Samis**  
**David Samis**

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

Mr. M. Raizada replied yes the sign was posted and the staff comments were also received. He explained the property has the largest frontage on the block with a small house set far from the road. He further explained that the proposed frontage for the severed parcel would be similar to the neighbouring properties. He noted that the old barn at the rear of the severed parcel will be demolished and according to the Heritage Planner it has very little historical value. He explained the concern seems to be the proposed parking for the retained parcel. He commented that most of the properties in the neighbourhood have driveways in front of their existing dwellings. He noted that the alternative solution would be creating an easement in between the two properties and creating parking in the rear yard; this is undesirable due to creating less amenity space and removing foliage.

Committee member R. Funnell commented that in 1978 a policy was written to deal with parking issues where people had no other choice but to park on the street. This policy permits front yard parking only when a legal off-street parking does not exist or can not be created. In your case, you are able to create a parking space behind the front wall of the dwelling.

Ms. J. Swaisland asked for deferral of the application in order for them to create new plans for the parking.

Mr. C. Sievert, owner of 152 Paisley Street commented they would rather see the backyard being an amenity area and not as a driveway leading back to parking spaces.

Mr. J. Samis, the brother of the owner of 168 Paisley Street commented some of the variances are major and not minor. He also commented to view the setbacks proposed closely due to fire code and building code requirements.

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

“THAT Applications B-21/11, A-72/11 and A-73/11 for Manish Raizada at 158 Paisley Street, be deferred sinedie, to allow for a detailed site plan identifying off-street parking for both the severed and retained parcel 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

August 23, 2011 C of A Minutes

The meeting adjourned at 7:48 p.m.

L. McNair  
Chair

Minna Bunnett  
Assistant Secretary-Treasurer

**COMMITTEE OF ADJUSTMENT**

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday October 11, 2011 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

L. McNair – Chair  
P. Brimblecombe  
J. Andrews  
A. Diamond

Regrets: R. Funnell  
B. Birdsell  
D. Kelly

Staff Present: R. Kostyan, 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 a. Diamond and seconded by J. Andrews,

“THAT the Minutes from the September 13, 2011 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

**Other Business**

Refund of application fees for Clair Road

A written submission from Smith Valeriote Law Firm was reviewed by the Committee members. Mr. Valeriote requested consideration for refund of application fees for 13 applications submitted for change of condition on Clair Road.

Moved by A. Diamond and seconded by P. Brimblecombe,

“THAT an application fee of \$1,000.00 be charged for Applications B-23/11 to B-35/11 at 410 Clair Road, East, resulting in a refund of application fees in the amount of \$7,385.00 to the applicant.”

Carried.

The Secretary-Treasurer advised a decision was received from the Ontario Municipal Board for Application A-24/11 at 61 Rickson Avenue which was distributed to Committee members. She noted the Board Chair did not make a decision on the application and would be consulting with other Board Chairs who have heard appeals of the Interim Control By-law before rendering a decision on the matter.

The Secretary-Treasurer advised an appeal was received for Application A- 74/11 at 25 Ervin Crescent being a decision of refusal for a variance from the Interim Control By-law.

**Applications:           A-97/11 and A-98/11**

**Applicant:               1830334 Ontario Ltd.**

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

**Location:               Mussen Street**

**In Attendance:         Brian Beattie**

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Mr. Beattie replied the notice sign was posted and comments were received from staff. He explained a cluster townhouse development is proposed on Mussen Street with groups of 6 on-street town homes. He advised they have worked with staff to decrease the building coverage on the site as well as increasing the amount of landscaping to be provided on the properties.

Committee member A. Diamond questioned what the accumulative impact was on the land as a result of increasing the size on each house.

Mr. Beattie replied the overall building footprint is 10% over the 40% maximum coverage. He noted the product is similar to other projects approved on the south and north side of Victoria Road.

Chair L. McNair expressed concern to be forwarded to both the builder and staff about the access easements along the rear of the units. He noted this easement results in unusable space as often each owner will fence their yards inside of the easement which result in less amenity areas. He noted the by-law also requires a 40% amenity area for each lot and this can include all

of the lot except that for the house footprint and the driveway. He explained a legal driveway will occupy 10% of a minimum lots' total area; if the home footprint is allowed to occupy 50%, that leaves "zero" room for error. He further explained this is particularly relevant when the area taken up by an access easement is allowed to be counted as part of the lot area.

Mr. Beattie noted the product being provided by Pidel Homes with 50% coverage is a building product that is in demand currently and have they have worked with staff to obtain their support.

Planner R. Kostyan noted the project is currently being reviewed by site plan staff and there are no concerns at this time respecting coverage. She noted there is similar development to the south of the property.

Committee member J. Andrews noted he is prepared to support the variance on the recommendation from staff.

Committee member P. Brimblecombe requested the Committee's concern respecting access easements be sent back to staff.

Application Number A-97/11

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

Moved by P. Brimblecombe seconded by J. Andrews,

"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 24 on-street townhouse units on Block 1, Registered Plan 61M-174, for properties municipally known as 80-124 Mussen Street, to permit a maximum building coverage of 50% of the lot area, be approved."

Carried

Application Number A-98/11

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

Moved by P. Brimblecombe seconded by J. Andrews,  
“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 21 on-street townhouse units on Block 2, Registered Plan 61M-174, for properties municipally known as 73-123 Mussen Street, to permit a maximum building coverage of 50% of the lot area, be approved.”

Carried

**Applications:**            **A-86/11 to A-96/11**

**Applicant:**            **Armel Corporation, c/o Fusion Homes**

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

**Location:**            **27, 29, 31, 33, 35, 37, 39, 40, 38, 36 and 34 Westra Drive**

**In Attendance:**       **Larry Kotseff**  
                              **Brian Beattie**  
                              **Patrick Clarke**

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

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

Chair L. McNair noted the street was barricaded and he could not access the lots to verify signs were posted.

Committee member P. Brimblecombe questioned if the builder was aware of the 5 foot side yard requirement when the lots were purchased in this plan of subdivision.

Mr. Beattie noted the builder is aware of zoning requirements. He noted there is a market for a reduction in side yard for larger homes and with configuration of some of the lots the side yard variance is necessary to support many house designs.

Chair L. McNair noted R.1B lots are rare in the City of Guelph now and part of the appeal of an R.1B lot is the distance between the homes. He noted squeezing an extra 100 square feet into the house results in less separation which is not the intent of the R.1B zoning regulations.

Planner R. Kostyan noted staff questioned if there would be adequate light and adequate drainage with the request and are satisfied the variances meet the intent of the Zoning By-law.

Chair L. McNair questioned if staff are considering revising side yard regulations to a maximum of 1.2 metres.

Planner R. Kostyan replied the Official Plan is in draft stage and once it is approved, the specific zoning regulations will be reviewed.

Chair L. McNair noted R.1B lots typically support pools, accessory buildings and air conditions and a narrower side yard compromises the ability to install them.

Mr. Kotseff explained he discovered as a builder there is an issue with the irregular shape of the lots 8-11 and 68-70 whereby the variation of the frontage affects the product they can build on them. He explained the variance will allow them to maintain some variety and will give flexibility to housing products.

Chair L. McNair noted he understood the need for the variances on the reverse pie lots (Lots 7-11) but not on the other lots.

Application Number A-86/11

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 seconded by P. Brimblecombe,

“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 27 Westra Drive (Lot 5, Plan 61M-172), to permit a residential dwelling to have a left and right side yard of 1.2 metres (3.93 feet) when the By-law requires a minimum side yard of 1.5 metres (4.92 feet) for 1 to 2 storey residential dwellings, be refused.”

Carried

Application Number A-87/11

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 seconded by P. Brimblecombe,

“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 29 Westra Drive (Lot 6, Plan 61M-172), to permit a residential dwelling to have a left and right side yard of 1.2 metres (3.93 feet) when the By-law requires a minimum side yard of 1.5 metres (4.92 feet) for 1 to 2 storey residential dwellings, be refused.”

Carried

Application Number A-88/11

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 seconded by P. Brimblecombe,

“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 31 Westra Drive (Lot 7, Plan 61M-172), to permit a residential dwelling to have a left and right side yard of 1.2 metres (3.93 feet) when the By-law requires a minimum side yard of 1.5 metres (4.92 feet) for 1 to 2 storey residential dwellings, be approved.”

Carried

Application Number A-89/11

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 seconded by P. Brimblecombe,

“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 33 Westra Drive (Lot 8, Plan 61M-172), to

permit a residential dwelling to have a left and right side yard of 1.2 metres (3.93 feet) when the By-law requires a minimum side yard of 1.5 metres (4.92 feet) for 1 to 2 storey residential dwellings, be approved.”

Carried

Application Number A-90/11

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 seconded by P. Brimblecombe,

“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 35 Westra Drive (Lot 9, Plan 61M-172), to permit a residential dwelling to have a left and right side yard of 1.2 metres (3.93 feet) when the By-law requires a minimum side yard of 1.5 metres (4.92 feet) for 1 to 2 storey residential dwellings, be approved.”

Carried

Application Number A-91/11

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 seconded by P. Brimblecombe,

“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 37 Westra Drive (Lot 10, Plan 61M-172), to permit a residential dwelling to have a left and right side yard of 1.2 metres (3.93 feet) when the By-law requires a minimum side yard of 1.5 metres (4.92 feet) for 1 to 2 storey residential dwellings, be approved.”

Carried

Application Number A-92/11

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 seconded by P. Brimblecombe,

“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 39 Westra Drive (Lot 11, Plan 61M-172), to permit a residential dwelling to have a left and right side yard of 1.2 metres (3.93 feet) when the By-law requires a minimum side yard of 1.5 metres (4.92 feet) for 1 to 2 storey residential dwellings, be approved.”

Carried

Application Number A-93/11

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 seconded by P. Brimblecombe,

“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 40 Westra Drive (Lot 68, Plan 61M-172), to permit a residential dwelling to have a left and right side yard of 1.2 metres (3.93 feet) when the By-law requires a minimum side yard of 1.5 metres (4.92 feet) for 1 to 2 storey residential dwellings, be refused.”

Carried

Application Number A-94/11

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 seconded by P. Brimblecombe,

“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 38 Westra Drive (Lot 69, Plan 61M-172), to permit a residential dwelling to have a left and right side yard of 1.2 metres (3.93 feet) when the By-law requires a minimum side yard of 1.5 metres (4.92 feet) for 1 to 2 storey residential dwellings, be refused.”

Carried

Application Number A-95/11

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 seconded by P. Brimblecombe,

“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 36 Westra Drive (Lot 70, Plan 61M-172), to permit a residential dwelling to have a left and right side yard of 1.2 metres (3.93 feet) when the By-law requires a minimum side yard of 1.5 metres (4.92 feet) for 1 to 2 storey residential dwellings, be refused.”

Carried

Application Number A-96/11

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 seconded by P. Brimblecombe,

“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 Westra Drive (Lot 71, Plan 61M-172), to permit a residential dwelling to have a left and right side yard of 1.2 metres (3.93 feet) when the By-law requires a minimum side yard of 1.5 metres (4.92 feet) for 1 to 2 storey residential dwellings, be refused.”

Carried

**Applications:** B-37/11, A-81/11 and A-82/11

**Applicant:** Neil and Valerie MacKinnon

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

**Location:** 158 and 160 Water Street

**In Attendance:** Brian Beattie

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Beattie replied the notice signs were posted and comments were received from staff. He expressed concern about the recommended condition from Engineering Services. He advised the two driveways existed long before the owner purchased the property in 1983 and has existed over 30 years. He noted this is a low traffic street and the driveway is only used in good weather to access the rear yard for storage of a trailer and yard cleanup.

Committee member P. Brimblecombe questioned staff's position on the two driveways

Planner R. Kostyan noted the Zoning By-law does not allow two driveways on a property but it has existed for a long period of time. She noted if the Committee supported the second driveway access; the applicant should obtain a minor variance for it.

Application Number B-37/11

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 P. Brimblecombe seconded by J. Andrews,

“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 1, Registered Plan 39, known as 158 Water Street, a parcel containing a residential dwelling with a frontage along Water Street of 13.668 metres (44.84 feet) and a depth of 54.42 metres (178.54 feet), 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 October 14, 2012.
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 Number A-81/11

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

Moved by P. Brimblecombe seconded by J. Andrews,

“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 5.1.2.6 and Table 5.1.2-Row 4 of Zoning By-law (1995)-14864, as amended, for 158 Water Street, to permit the retained parcel from Application B-37/11 to have a lot frontage of 13.668 metres (44.84 feet) when the By-law requires a minimum lot frontage equal to the lot

frontages within the same City Block Face [15 metres (49.21 feet)], be approved, subject to the following condition:

1. That the conditions imposed for Application B-37/11 be and form part of this approval.”

Carried.

Application Number A-82/11

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

Moved by P. Brimblecombe seconded by J. Andrews,

“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 5.1.2.6 and Table 5.1.2-Row 4 of Zoning By-law (1995)-14864, as amended, for 160 Water Street, to permit the severed parcel from Application B-37/11 to have a lot frontage of 11.6 metres (38.05 feet) when the By-law requires a minimum lot frontage equal to the lot frontages within the same City Block Face [15 metres (49.21 feet)], be

1. That the conditions imposed for Application B-37/11 be and form part of this approval.”

Carried.

**Application:** A-79/11

**Applicant:** Imperial Square G.P. Ltd.

**Agent:** NLMT – Three for One Glasses

**Location:** 565 Woodlawn Road, West – Unit 3

**In Attendance:** Nataly Kneebone  
Michael Kneebone  
Bill Seli

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements and if the applicant received the staff comments.

October 11, 2011 C of A Minutes

Ms. N. Kneebone replied they posted two signs: one at Woodlawn Road and the other at Imperial Road and the staff comments were also received. She explained the application is a zoning request to have permission to sell glasses at an existing optical store.

Committee member P. Brimblecombe questioned whether the truck advertising their business is gone from the property.

Ms. N. Kneebone replied the truck is no longer on the property.

The Committee members noted that they would like to see Optical Dispensary added as a permitted use in commercial zones in the Zoning By-law.

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 seconded by J. Andrews,

“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 6.4.1.2 of Zoning By-law (1995)-14864, as amended, for 565 Woodlawn Road, West, Unit 3, to permit a 151.4 square metre (1,629 square foot) optical dispensary when the By-law does not permit this use, be approved.”

Carried

**Application:** B-36/11  
**Applicant:** Terra View Riverside Ltd.  
**Agent:** Van Harten Surveying Inc.  
**Location:** 72 York Road  
**In Attendance:** Jamie Laws

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

Mr. J. Laws replied yes, the sign was posted and he did receive the staff comments. He explained that they are legitimizing an easement which was part of the site plan approval



process. He noted the driveway goes to the owner's garage at the back of the property at 70 York Road.

Chair L. McNair questioned if the garage is visible from the street.

Mr. J. Laws replied the garage is not currently there but will be built as a part of the project.

Chair L. McNair questioned if this driveway leading to the new development is the secondary fire entrance.

Mr. J. Laws confirmed yes, this is the secondary fire entrance to the development.

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 A. Diamond seconded by P. Brimblecombe,

"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 of Lots 157 and 159, Registered Plan 113, described as Part 2, Reference Plan 61R-11605, 72 York Road, a right-of-way with a width along York Road of 7.865 metres and a depth of 33.5 metres in favour of the abutting property at 70 York Road, for access to their off-street parking space in the rear yard, be approved subject to the following conditions:

1. That prior to endorsonation of the deeds, the servient tenement (72 York Road, Part of Lots 157 and 159, Registered Plan 113, being Part 2 on Reference Plan 61R-11605), grants an easement/right-of-way with a width of approximately 7.865-metres (25.80 feet) by a depth of approximately 33.50-metres (109.91 feet) for vehicular access to the off-street parking space and detached garage in the rear of 70 York Road, registered on title, in favour of the dominant tenement (70 York Road, Part of Lot 159, Registered Plan 113, being Part 9 on Reference Plan 61R-10518).
2. That prior to endorsonation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the easement/right-of-way.
3. That prior to endorsonation of the deeds, the owner's solicitor certifies that the easements/right-of-ways, in favour of 70 York Road, Part of Lot 159, Registered Plan 113, being Part 9 on Reference Plan 61R-10518, 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 October 14, 2012.

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-84/11**

**Applicant:**            **Cheryl and Andy Van Hellemond**

**Agent:**                **Cheryl and Andy Van Hellemond**

**Location:**            **4 St. Catharine Street**

**In Attendance:**       **Andy Van Hellemond**

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

Mr. A. Van Hellemond replied the sign was posted and the staff comments were also received. He explained he is planning on building an addition to the front of the house. He commented that Engineering Services had a concern with his existing rod iron fence being located on City property. He explained he had a discussion with Engineering Services regarding the encroachment agreement and a possible solution for the City sidewalk in the corner which has been poured on his property. He further explained he will be in contact with Engineering Services regarding these two items. He commented his plan is to have wide cement steps at the

front with no railing. He noted Planning Services has concerns with the proximity of the steps to the front property line but his intent is to stay back further from the sidewalk.

Planner R. Kostyan replied the concern is not only the steps but the whole addition if comparing it to the other houses on the street. She continued the encroaching of the addition is not minor and Planning would feel more comfortable with the addition being setback further away from the property line; similar to the proposed roofed deck setback.

Mr. A. Van Hellemond replied he is trying to construct the addition deep enough to be able to walk on the deck and sit while enjoying morning coffee. He noted his neighbours support his application and there is a school on the other side where there are only trees.

Planner R. Kostyan replied the proposed addition is very large, is not in line with the other houses and would have an impact on the streetscape.

Committee member A. Diamond questioned if the proposed addition will have a lot of glass since the proposal is not for a traditional sunroom.

Mr. A. Van Hellemond replied the base will be brick with a concrete foundation and the rest will be windows. He further explained the addition will not be used as living space.

Committee member P. Brimblecombe questioned staff if deferral is in order so the architect can design a better suited addition.

Planner R. Kostyan questioned if there will be windows on the side of the addition as well.

Mr. A. Van Hellemond replied yes, there will be sliders on the side for air circulation and the whole front of the addition will have glass.

Committee member A. Diamond commented she would be supportive of the proposed open roofed deck at the rear but not the covered porch. She further commented an unenclosed porch would have a different impact. She questioned staff if the Committee is able to add a condition for the visual impact and glass.

Planner R. Kostyan replied the Committee can add a condition for the glass area yet still comply with the building code 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 J. Andrews and seconded by P. Brimblecombe,

“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 5.1.2.7i), Table 5.1.2-Row 6a and Table 4.7 – Row 3 of Zoning By-law (1995)-14864, as amended, for 4 St. Catharine Street,

- a) To permit a 2.43 metre by 6.65 metre (8 foot by 21.83 foot) enclosed porch which will be situated 2.25 metres (7.38 feet) from the St. Catharine Street property line when the By-law requires an enclosed porch have a setback equal to the average of the setbacks within the same City Block Face [7.54 metres (24.74 feet)],
- b) To permit the proposed stairs associated with the enclosed porch to project 6.98 metres (22.91 feet) into the required yard and be situate 0.55 metres (1.83 feet) from the St. Catharine Street property line when the By-law requires stairs project a maximum of 1.5 metres (4.92 feet) into the required yard and when the By-law requires a minimum setback of 0.8 metres (2.62 feet) from the property line,
- c) To permit a 2.43 metre by 3.42 metre (8 foot by 11.25 foot) roofed extension to the existing deck in the rear yard which will project 4.4 metres (14.44 feet) into the required yard when the By-law requires a maximum projection of 2.4 metres (7.87 feet) into the required yard,

be approved subject to the following conditions:

- 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 the existing wrought iron fence and posts, on the Lemon Street road allowance.
- 2. That the porch be enclosed with clear glass and comply with the Ontario Building Code.
- 3. That prior to issuance of a building permit, the owner submit the elevations for the enclosed porch to Planning staff for their comment, in order to optimize the glass coverage.”

Carried

**Application:** A-99/11  
**Applicant:** Stefan and Janis Kremer  
**Agent:** Eric Small  
**Location:** 1 Halesmanor Court  
**In Attendance:** Eric Small

**Stefan Kremer**

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

Mr. S. Kremer replied he posted two signs and the staff comments were received. He explained his property is on a corner lot and he is proposing to construct a storage area attached to his garage along Dimson Avenue. He further explained the storage will encroach 90 centimetres to the required setback. He noted that he is planning on creating two tire tracks leading to the storage area which will be used for storing a sail boat and bicycles.

Committee member A. Diamond questioned if he is comfortable with keeping the existing trees.

Mr. S. Kremer replied he would like to keep the trees.

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. Andrews 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, variances from the requirements of Table 5.1.2 Row 6a and Section 4.13.7.2 ii) of Zoning By-law (1995)-14864, as amended, for 1 Halesmanor Court, to permit a 4.3 metre by 6.9 metre (14 foot by 22.9 foot) garage addition to be situate 3.6 metres (11.81 feet) from the exterior side yard when the By-law requires a minimum exterior side yard of 4.5 metres (14.7 feet) and to permit a 9.7 metre (31.7 foot) wide driveway when the By-law permits a maximum driveway width of 7.5 metres (24.6 feet),

be approved subject to following conditions:

1. That the proposed driveway expansion be built in accordance with the plans submitted to the Committee of Adjustment, ensuring that the driveway widening only occur at the very top portion of the driveway.
2. That the proposed driveway expansion preserves the soft landscaped area of the front yard by utilizing turf stone along the tire tracks of the driveway addition and grass in the remaining driveway addition.”

Carried

**Application:** A-85/11

**Applicant:** Gay Lea Foods Co-Operative Ltd.

**Agent:** Gay Lea Foods Co-Operative Ltd.

**Location:** 21 Speedvale Avenue West

**In Attendance:** Will Bruining  
Herman Arias

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

Mr. H. Arias replied the sign was posted and the staff comments were also received. He explained their plant in Guelph is the main and most important plant for Gay Lea. He further explained their business is growing and they are running out of space. He commented their freezer currently has butter that they produce internally and this freezer must now be turned into storage space. He explained they currently do not have the roof elevations for five new tanks which produce more aerosol. He further explained they need more processing space for new equipment.

Planner R. Kostyan explained the latest plan submitted to Committee of Adjustment has not been reviewed by the site plan committee staff yet. She further explained the variances asked for today are supportable but cautioned the applicant of possible future minor variances.

Committee member A. Diamond questioned if the Committee can approve the application with a condition of a site plan approval.

Mr. H. Arias commented the Engineering staff was not satisfied with the landscaping and indicated some changes which he included in the revised plan. He also commented there will not be any further changes to this plan.

Planner R. Kostyan replied the current variances would not change with the revised plan as briefly shown by applicant.

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

Moved by P. Brimblecombe seconded by A. Diamond,

“THAT in the matter of an application under Section 45(1) and Section 45(2)(a)(i) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 6.4.2 Row 6, Row 5, Row 17, and Row 11 of Zoning By-law (1995)-14864, as amended, for 21 Speedvale Avenue West,

- a) To permit a 403.75 square metre (4,346 square foot) freezer addition to be situated 6.89 metres (22.6 feet) from the rear yard property line when the By-law requires a rear yard of one-half the building height [7.92 metres (25.9 feet)] but not less than 6 metres (19.7 feet),
- b) To permit a side yard of 1.25 metres (4.1 feet) for an existing maintenance shop when the By-law requires a minimum side yard of 3 metres (9.8 feet),
- c) To permit a 2 metre (6.6 foot) wide landscaped strip along part of the frontage adjacent to the street line when the By-law requires a minimum 3 metre (9.8 foot) wide landscaped strip of land adjacent to the street line except for those areas required for entry ramps, and
- d) To permit 6.25% landscaped open space when the By-law requires a minimum landscaped open space of 10% of the lot area,

be approved subject to 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 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-78/11

**Applicant:** 238475 Ontario Inc.

**Agent:** The Landplan Collaborative Ltd.

**Location:** 19 and 21 Woodlawn Road West

**In Attendance:** Owen Scott  
Barb Daniels  
Jeswant Kaur

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

Mr. O. Scott replied the sign was posted and the staff comments were received. He explained the application is for two variances; for the side and rear yard. He further explained the rear of the property has a fair amount of vegetation and they are proposing to extend the existing building to the rear of the property. He commented the variance for the accessory use is a technical variance due to the two properties being merged into one. He noted the manager's residence and motel office are in the residential dwelling. He advised the Committee the U-Haul truck rental operation has been discontinued as of today.

The Committee had no questions for the applicant.

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. Andrews 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 6.4.2 Row 5 and Row 6 and Section 4.23.1 of Zoning By-law (1995)-14864, as amended, for 19 and 21 Woodlawn Road West, to permit an 174.35 square metre (1,876.7 square foot) one storey addition to an existing motel, and,

- a) To permit the addition to be situate 2.35 metres (7.6 feet) from the right side lot line when the By-law requires a minimum side yard of 3 metres (9.8 feet),
- b) To permit the addition to be situate 3 metres (9.8 feet) from the rear lot line when the By-law requires a minimum rear yard of 6 metres (19.7 feet),
- c) To permit the office/residence (as an accessory use to the motel) in a separate building occupying a maximum of 27% of the gross floor area when the By-law requires every accessory use be located in the same building or structure as the permitted use to which it is devoted and shall not occupy more than 25% of the gross floor area of the building or structure,

be approved subject to the following conditions:

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 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.

2. That the applicant discontinues the existing U-Haul truck rental operations on the subject property prior to the issuance of the building permit for the proposed addition.”

Carried

**Application:**           **A-83/11**

**Applicant:**           **Naeem Mir, Roohi Mir and Momina Mir**

**Agent:**               **Momina Mir**

**Location:**           **12 Balfour Court**

**In Attendance:**      **Momina Mir**  
                              **Omar Abdool**

A package was distributed to Committee members from the owner for their review.

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

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

Ms. Mir explained her parents purchased the property in 2008 with the existing accessory apartment. She advised her parents were under the assumption the construction was legal and were surprised to receive a notice from the City asking to obtain a permit for the basement finishes. She noted they submitted the permit application and drawings to the city on June 2, 2010 and the Interim Control By-law was passed on June 7th. She noted there are a number of letters which have been submitted in support of the application. He explained her parents reside in the host unit and any concerns expressed by neighbours are resulting for other activity on the street.

Committee member A. Diamond questioned if the host unit has 3 or 4 bedrooms.

Ms. Mir replied they have 3 bedrooms and a study in the host unit and two bedrooms in the basement.

Committee member A. Diamond expressed concern about the size of the unit.

Assistant Secretary-Treasurer M. Bunnett explained she met with Plans Examination staff and assured the Committee the area of the unit is as noted on the Notice of Public Hearing.

Planner R. Kostyan noted if there are four bedrooms in the main unit staff may need to address separation distance regulations which are being recommended in the proposed zoning 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 P. Brimblecombe 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, variances from the requirements of Section 4.15.1.5 of Zoning By-law (1995)-14864, as amended, and Interim Control By-law (2010)-19019 for 12 Balfour Court, to permit a 87.2 square metres (939 square foot) two bedroom accessory apartment when the By-law limits the size of an accessory unit to a maximum of 80 square metres (861.1 square feet) and the Interim Control By-law passed by City Council on June 7, 2010 prohibits the creation of accessory units in R.1 and R.2 zoned portions of Ward 5 and all of Ward 6, be refused.”

Carried

**Application:** A-80/11

**Applicant:** Agnes and Joseph Vandenberg

**Agent:** Agnes and Joseph Vandenberg

**Location:** 415 Cole Road

**In Attendance:** Agnes and Joseph Vandenberg  
John and Mildred McLeod  
Mike and Krys Mooney  
Pierre Forget  
Mike Floto  
Mark Masocco  
Gary and Mary Dunk  
Judy and Mike Steibelt  
Lane and Doug Aspinall

**Rosemarie Mazzoucca**  
**Robert Finley**

The Secretary-Treasurer advised an additional letter was submitted in objection to the application from the owner of 420 Cole Road.

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. Agnes Vandenberg replied the notice sign was posted and comments were received from staff. She explained they have made application for certification of the subject property as a lodging house. She noted the 6 bedroom home meets the existing and proposed zoning regulations. She noted she reviewed the concerns expressed by surrounding neighbours and the concerns related to tenant behaviour relate to prejudice against students as they are all labelled with the same brush. She explained there are 6 girls residing in the house and there has been no concerns expressed about their behaviour. The second concern relates to parking. She advised the property meets the parking requirements in the Zoning By-law. With respect to garbage, residents need to be educated about proper sorting techniques regardless if they are students. With respect to property maintenance, she explained they reside in Mississauga however her husband works in Cambridge and checks on the house regularly. She explained they are replacing the roof and window and property maintenance is not an issue. She explained they consulted a real estate professional who provided an opinion that within a 250 metre radius the property values have increased rather than decreased as investors are willing to pay larger prices as they get more value for their money. With respect to concerns about work being carried on without a building permit, she explained that once they received notice from the City they took the necessary steps to legalize the unit. She explained the previous owner did construct one bedroom in the basement prior to them purchasing the dwelling.

Committee member J. Andrews questioned if the lodging house would be permitted under the regulations of the existing Zoning By-law.

Planner R. Kostyan replied the lodging house would comply with the existing and proposed Zoning By-law regulations.

Mike Mooney, a resident of 419 Cole Road explained the Interim Control By-law was passed to provide staff the opportunity to review problems they are experiencing with rental housing. He expressed concern about the lack of balance of shared rental housing and the problems associated with concentration of rental units. He expressed concern the work was carried out without a building permit with the dining room and laundry room converted to bedrooms.

Mark Masocco, a resident of 412 Cole Road was under the impression that if student rentals existed they could not establish. He noted the house currently contains female 4<sup>th</sup> year students so there has been no problems, however there is no assurance what tenants will be

renting in the dwelling. He noted the concentration of rental housing has an effect on parking on the street.

Pierre Forget, a resident of 421 Cole Road explained the concentration of students has been a problem and the demographics are changing in the neighbourhood. He explained when he moved there 20 years ago this was a family neighbourhood.

Chair L. McNair explained the logistics of the Zoning By-law respecting property owner's rights to establish an accessory apartment and lodging house.

Rosemarie Mazzoucca, a resident of 434 Cole Road explained the neighbourhood has deteriorated with a highly population of student housing.

Rob Finley, as resident of 428 Cole Road expressed concern about measures which should be taken to balance out shared rental housing and family housing.

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

Moved by P. Brimblecombe 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 Interim Control By-law (2010)-19019, for 415 Cole Road, to establish a six bedroom lodging house in the residential dwelling when the Interim Control By-law passed by Guelph City Council on June 7, 2010 prohibits the creation of accessory units in R.1 and R.2 zoned portions of Ward 5 and all of Ward 6, be refused."

Carried

The meeting adjourned at 7:15 p.m.

L. McNair  
Chair

Kim E. 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 October 25, 2011 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell  
P. Brimblecombe  
B. Birdsell (from 4:37 p.m.)  
J. Andrews (until 5:49 p.m.)  
A. Diamond  
L. McNair – Chair  
D. Kelly, Vice-Chair

Staff Present: R. Kostyan, 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 P. Brimblecombe and seconded by J. Andrews, as amended,

“THAT the Minutes from the October 11, 2011 Regular Meeting of the Committee of Adjustment, be approved, as amended.”

Carried

### Other Business

The Secretary-Treasurer advised the Ontario Municipal Board has scheduled an appointment for a hearing for application A-1/11, 129 Baxter Drive. The hearing has been scheduled for Wednesday November 30, 2011 for one day.

October 25, 2011 C of A Minutes

**Application:**           **A-102/11**

**Applicant:**           **Pidel Developments Inc.**

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

**Location:**           **47 Cox Court**

**In Attendance:**      **Brian Beatty**

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. B. Beatty replied yes, the sign was posted and the staff comments were received. He explained the application is for a minor variance for the right corner of the dwelling. He further explained the balance of the side yard meets the requirement in the Zoning by-law and the Official Plan is being maintained. He noted the dwelling on the property is consistent with the other dwellings in the neighbourhood.

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 P. Brimblecombe and seconded by D. Kelly,

“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 47 Cox Court, to permit a residential dwelling to be situated 1.41 metres (4.63 feet) from the right side property line when the By-law requires a minimum side yard of 1.5 metres (4.92 feet), be approved.”

Carried

**Application:**           **A-100/11**

**Applicant:**           **Wurth Canada Ltd.**

**Agent:**               **Global Architect Inc.**

**Location:** 345 Hanlon Creek Boulevard

**In Attendance:** Joe DeCicco  
Ernest Sweeney  
Hugh Whiteley  
Andrew Anderson  
Jim Mairs  
Peter Cartwright  
Laura Murr  
Al Hearne

The Assistant Secretary-Treasurer advised an additional letter was submitted in objection to the application from the owner of 85 Teal Drive.

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

Mr. J. DeCicco replied all three signs were posted and the staff comments were received. He explained the area is under construction and he had to place the signs further away from the property lines. He commented Wurth is a global company in fastening materials with 410 companies in 84 countries. Currently there are two locations in Canada; one in Edmonton and the other in Mississauga which they are hoping to re-locate to Guelph. He explained the variance for the minimum building size is due to the size of the 12.7 acre property. He noted they have researched different sites and have chosen this one due to its location and size which will suit them for future growth. He further noted the gross floor area of the building will ultimately be 36.8% of the lot area. He explained the loading space variance is necessary due to the site being irregular in shape and having three street frontages. He noted the chosen exterior side yard for the loading area is the less intrusive. He explained there will be no vehicular access from Teal Drive or Bett Court. He continued by explaining how the site is divided into two zones where one requirement for building height is maximum 8 metres and the other for maximum 20 metres. He noted they require a 15.25 metre roof to house the shuttle system for their operations. He continued by commenting they designed the high roof to be located as far south from the residential area as possible. He explained the height of the main warehouse is 12.375 metres measured from the ground floor to house a six tier racking system. He commented the 8 metre maximum building height would not allow for a typical two storey dwelling to be built in this zone. He explained most of the high roof area falls within the maximum 20 metre height regulation and will not be clearly visible from Teal Drive due to architectural horizontal bands which will hide cleverly the visual impact of height. He noted they believe the variances requested are minor, appropriate for the development of the lands and keeps the intent of the Zoning By-law and Official Plan.

Chair L. McNair questioned whether the analysis done of the location of the warehouse included building height and location of loading space.

Mr. J. DeCicco replied the analysis focused more on the size and location of the site. He noted other sites around southern Ontario did not meet the criteria for size or location.

Chair L. McNair expressed his opinion and felt strongly a zoning amendment was necessary.

Committee member A. Diamond expressed a concern the residents association was not consulted.

Committee member R. Funnell questioned if the applicant has a drawing of the proposed berm and fence. He also questioned if there will be a visual impact due to the future expansion of loading spaces closer to the property line.

Mr. J. DeCicco replied they have not hired a landscape architect to date. He explained the berm will be high enough to screen the trucks from the road. He further explained the future loading spaces will continue along the building wall and will not be located closer to Teal Drive.

Chair L. McNair commented the trucks backing up will have signals going off and felt the noise is a bigger concern than the visual impact.

Committee member R. Funnell questioned if a deferral would be advantageous in order for the applicant to get a chance to meet with the residents association to address some of the concerns.

Mr. E. Sweeney replied they would be willing to meet with the residents to present their plans and assure it will not affect the quality of their life. He noted they will not be able to use the building as their national head office if the plan has to change drastically. He continued by explaining that the proposed loading space location is the best option.

Chair L. McNair expressed concern with the height of 12.67 metres for the rest of the plant, including future expansion, which amounts to more than 50% higher than the By-law permits.

Mr. R. Walters, Manager of Development Planning for the City of Guelph explained the City's opinion is the application meets the four tests of the Planning Act and in his opinion the legislation allows for a variance to be considered. He continued there is no adverse impact on the proposal and the requests are minor in nature. He commented the intent of the Zoning By-law is for the loading space screening to be examined through a site plan application.

Mr. A. Hearne, Senior Development Planner for the City of Guelph commented the Hanlon Creek Business Park project started in the 1990's when the City was short on industrial land. He explained the City purchased land to seek partners in order to bring new employment in to the City and in 2006 Ontario Municipal Board approved the subdivision. He noted that in his opinion there will most likely be more variance applications for the future development of the lands and the City can accommodate the PLC (Public Liaison Committee) by circulating notices.



Committee member D. Kelly commented a deferral could be considered if an information session with the residents association would be beneficial.

Mr. J. DeCicco replied time is of the essence and re-circulation of the notices will take extra time.

Mr. H. Whiteley commented he is appearing as a resident of Guelph who has spent several days in negotiations as part of the residents' association. He commented the application should be considered as a zone amendment and the specialized B.5-4 zone was established for a portion of the site for a reason. He further explained in his opinion the loading space requirement is to protect Teal Drive residents; however the Zoning By-law is silent on the intent. He noted the height requirement also is in the Zoning By-law for a reason and in his opinion the intent of the Planning Act is to have specific conditions which should be altered by a zone change only.

Ms. L. Murr provided a brief summary of the history related to OPA 26 and related Zoning By-law amendment. She commented the Kortright Hills Community Association has no objection to the warehouse use but they object to the minor variance process to achieve their objective. She commented the variances in their opinion are not minor and do not meet the intent of the Official Plan or the Zoning By-law. She explained there is a noise concern with the trucks backing up including a potential impact on health due to pollution which in her opinion are also not minor. She continued by explaining the maximum height requirement was established to reduce the impact on the neighbourhood as it allows for higher buildings further away from the residential neighbourhood. She commented the application should have been brought forward as a zoning amendment where Planning Act requires more stringent notice circulation and public involvement.

Mr. P. Cartwright, General Manager of Economic Development and Tourism for the City of Guelph commented that during the negotiations of minutes of settlement, at no point was it discussed that the applicant can not come forward with a variance application.

Mr. J. DeCicco felt the reasons for these objections to the minor variances were not clearly explained. He continued by noting the noise concern can be dealt with through noise mitigation procedures.

Committee member A. Diamond questioned staff if the Ontario Municipal Board decision limits the Committees ability to make a decision on the minor variances requested.

Planner R. Kostyan replied there was no specific condition from Ontario Municipal Board regarding the height or setbacks or anything else. She continued by explaining the Committee will most likely see more height variance applications come in for the Hanlon Creek Business park due to the maximum 8 metre height regulation.

Committee member D. Kelly commented the Committee needs to make a decision keeping in mind the future expansion the warehouse will also have a higher roof than the allowed 8

metres. She questioned staff if the Committee can impose a condition regarding the noise concern.

Planner R. Kostyan replied a noise and vibration study is a requirement as a condition of the traffic plans. She explained the site is in front of the site plan committee where the issues will be addressed. She further explained they have to meet the Ministry of Environment's noise requirements.

Ms. L. Murr commented the Kortright Community Hills Association has previously negotiated with the City of Guelph and there already is a noise wall along the Hanlon expressway. She commented she is not able to speak on behalf of the resident's on Teal Drive but in her opinion, the Committee of Adjustment process is not suited for this request. She continued by repeating a zoning amendment would provide a better result which makes her concerned there will be more variance applications from other developers. She noted the Association would like to be able to see the noise study done prior to any approvals.

Mr. J. DeCicco commented they would like to proceed with 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 J. Andrews and seconded by P. Brimblecombe,

"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 7.4.4.3, 7.3.5.4.2.1 and 7.4.4.4 of Zoning By-law (1995)-14864, as amended, for 345 Hanlon Creek Boulevard, to permit a 8625.41 square metre (92,843.1 square foot) one storey industrial warehouse building with a two storey office component, and,

- a) To permit the loading spaces to be located in the exterior side yard when the By-law does not permit loading spaces in the exterior side yard,
- b) To permit a maximum building height of 15.25 metres (50 feet), when the By-law permits a maximum building height of 8 metres (26.4 feet),
- c) To permit a minimum building size of 14.8% of the lot area when the By-law requires a minimum building size of 20% of the lot area for lots over 10 acres in area,

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

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.”

Moved in amendment by A. Diamond and seconded by P. Brimblecombe that the following conditions be added:

1. “That there will be a noise and vibration study completed in accordance with the requirements of the Ministry of the Environment.
2. That the height variance of 15.25 metres (50 feet) be limited to a maximum area of 1250 square metres, representing the area required to house the proposed warehouse shuttle system (identified as “high roof” on the site plan submitted to Committee of Adjustment, Project No. 11-01, Drawing No. A-1, dated February 2011), and that the balance of the subject property have a maximum permitted height of 12.75 metres (41.8 feet).”

Carried.

“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 7.4.4.3, 7.3.5.4.2.1 and 7.4.4.4 of Zoning By-law (1995)-14864, as amended, for 345 Hanlon Creek Boulevard, to permit a 8625.41 square metre (92,843.1 square foot) one storey industrial warehouse building with a two storey office component, and,

- a) To permit the loading spaces to be located in the exterior side yard when the By-law does not permit loading spaces in the exterior side yard,
- b) To permit a maximum building height of 15.25 metres (50 feet), when the By-law permits a maximum building height of 8 metres (26.4 feet),
- c) To permit a minimum building size of 14.8% of the lot area when the By-law requires a minimum building size of 20% of the lot area for lots over 10 acres in area,

be approved subject to the following conditions:

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 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.
2. That there will be a noise and vibration study completed in accordance with the requirements of the Ministry of the Environment.

3. That the height variance of 15.25 metres (50 feet) be limited to a maximum area of 1250 square metres, representing the area required to house the proposed warehouse shuttle system (identified as “high roof” on the site plan submitted to Committee of Adjustment, Project No. 11-01, Drawing No. A-1, dated February 2011), and that the balance of the subject property have a maximum permitted height of 12.75 metres (41.8 feet).”

Carried

Committee member J. Andrews left the meeting 5:49 p.m.

**Application:**            **A-101/11**

**Applicant:**            **Mappi Ltd.**

**Agent:**                **Red Studio Architects Inc.**

**Location:**            **9 Woodlawn Road East**

**In Attendance:**       **Antonio Santini**  
                              **Peter Darnos**  
                              **Yusuf Yenilnez**

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

Mr. A. Santini replied yes the sign was posted and the staff comments were also received. He explained they are proposing to construct a 4 storey office building. He further explained the lot frontage variance is technical in nature since the frontage already exists. He noted the building height variance is a result of a private sewer system they will be installing and they are asking the City to allow another floor to accommodate this. He explained they are short five parking spaces but feel this is minor due to three public transit routes that go by the property. He further explained the side yard variance is a result of the apartment building’s driveway leading to the back and they will be providing landscaping to beautify the area.

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 D. Kelly,

“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 3, Row 5, Row 7 and Section 4.13.4.2 of Zoning By-law (1995)-14864, as amended, for 9 Woodlawn Road East, to permit a 1638.48 square metre (17,636.45 square foot) four storey office building, and,

- a) To permit an existing lot frontage of 28.65 metres (93.99 feet) when the By-law requires a minimum lot frontage of 30 metres (98.4 feet),
- b) To permit a left side yard of 3.01 metres (9.87 feet) when the By-law requires a minimum side yard of one half the building height [6.67 metres (21.88 feet)] or 6 metres (19.7 feet), whichever is greater,
- c) To permit a building height of 4 storeys when the By-law permits a maximum building height of 3 storeys,
- d) To permit a total of 36 off-street parking spaces when the By-law requires 41 off-street parking spaces,

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 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

The meeting adjourned at 5:54 p.m.

L. McNair  
Chair

Minna Bunnett  
Assistant Secretary-Treasurer

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday November 8, 2011 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell  
P. Brimblecombe  
B. Birdsell  
J. Andrews  
A. Diamond  
L. McNair – Chair  
D. Kelly, Vice-Chair

Staff Present: R. Kostyan, 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 P. Brimblecombe,

“THAT the Minutes from the October 25, 2011 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

The Secretary-Treasurer advised an appeal was received for Application A-83/11 at 12 Balfour Court being a decision of refusal for variances from the Interim Control By-law and the size of the accessory apartment. An appeal was also received for Application A-80/11 at 415 Cole Road being a decision of refusal for a variance from the Interim Control By-law to permit a lodging house. An appeal was also received for Application A-86/11 at 27 Westra Drive and Application A-87/11 at 29 Westra Drive being decisions of refusals for side yard setback variances.

November 8, 2011 C of A Minutes

The Secretary-Treasurer advised the decision was received of a successful mediation between the appellant and property owners for Applications A-56/09 and A-57/09 at 23 Fairview Boulevard. The documents received from Ontario Municipal Board were circulated to Committee members.

**Application:** B-22/11 and A-106/11

**Applicant:** Mariusz Piatek

**Agent:** W. Gerald Punnett

**Location:** 166 Elizabeth Street

**In Attendance:** Eugene P. Wasylciw

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements and if staff comments were received.

Mr. E. Wasylciw replied the sign was posted and the staff comments were received. He explained the staff comments mention a variance for the frontage and an easement to the right of the existing green house for maintenance which they can add to the application if necessary.

Committee member A. Diamond questioned staff if the easement can be added to the application along with the frontage variance.

Planner R. Kostyan replied if the application is deferred, re-circulation of the notice is necessary. She continued by explaining both the easement and frontage variance can then be added to the application.

Mr. E. Wasylciw replied they are in agreement with the deferral.

Application Numbers B-22/11 and A-106/11

Moved by J. Andrews and seconded by D. Kelly,

“THAT Applications B-22/11 and A-106/11 for Mariusz Piatek at 166 Elizabeth Street, 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.”

Carried.

November 8, 2011 C of A Minutes

**Application:**            **A-107/11**

**Applicant:**            **Thomas and Katherine MacKay**

**Agent:**                **n/a**

**Location:**            **166 Dufferin Street**

**In Attendance:**       **Thomas MacKay**  
                              **Katherine MacKay**

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements and if staff comments were received.

Mr. T. MacKay replied the signs were posted and the staff comments were received. He explained the application is for a setback variance for a new dwelling and due to the location of the driveway, a variance is needed for the sightline triangle.

Committee member P. Brimblecombe commented the driveway is up on a hill and in his opinion the parking of vehicles does not appear to interfere with the sightline.

Committee member A. Diamond expressed concern of disposal of demolition material in a termite zone.

Mr. T. MacKay explained Termite Control Officer Tim Myles will be on site during the removal of demolition material.

Planner R. Kostyan commented the Termite Control By-law regulates demolitions and building of new dwellings.

Assistant Secretary-Treasurer K. Fairfull noted there is a proper procedure in place for disposal of termite infested material.

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

Moved by P. Brimblecombe 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, variances from the requirements of Sections 4.6.1. i), 4.13.2.1,



5.1.2.7 i), and Table 5.1.2 Row 6a of Zoning By-law (1995)-14864, as amended, for 166 Dufferin Street, to construct a new residential dwelling requiring:

- a) The dwelling be situate 4.57 metres (15 feet) from Dufferin Street and the attached garage to be situate 5.48 metres (18 feet) from Dufferin Street when the By-law requires a setback equal to the average of the setbacks within the same City Block Face [6.23 metres (20.46 feet)];
- b) To permit the attached garage to be situate 5.48 metres (18 feet) from the Dufferin street line when the By-law requires the off-street parking be situate a minimum of 6 metres (19.68 feet) from the street line,
- c) To permit a portion of the driveway to be located within the corner sight line triangle when the By-law permits no building, structure or parked motor vehicle in the corner sightline triangle, be approved.”

Carried

**Application:** A-108/11  
**Applicant:** Donald Zuccala  
**Agent:** n/a  
**Location:** 50 St. Arnaud Street  
**In Attendance:** Donald Zuccala

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements and if staff comments were received.

Mr. D. Zuccala replied he posted two signs and the staff comments were received. He explained he had to remove the rotted roof of the existing porch and a variance is required for reconstruction. He further explained he applied for a minor variance in 1994 for reconstruction of the front porch which was approved by the Committee.

Committee member A. Diamond commented the porch should be constructed in keeping with the character of the neighbourhood.

Mr. D. Zuccala replied the intent is to glass in the second storey and to keep the design within the character of the neighbourhood.

Planner R. Kostyan commented the encroachment of the first and second storey will be included in the new encroachment agreement with the City.

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 D. Kelly,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Sections 4.6.1. i) and 5.1.2.7. i) and Table 5.1.2 Row 6 of Zoning By-law (1995)-14864, as amended, for 50 St. Arnaud Street,

- a) To permit an 2.44 metre by 3.66 metre (8 feet by 12 feet) enclosed ground floor porch [which encroaches 0.46 metres (1.5 feet) into the St. Arnaud Street road allowance] and an enclosed 2.74 metre by 4.27 metre (9 feet by 14 feet) enclosed second storey porch [which encroaches 0.76 metres (2.5 feet) into the St. Arnaud Street road allowance] to be situate 0 metres from St. Arnaud Street property line when the By-law requires an enclosed porch to have a minimum setback equal to the average of the setbacks within the same City Block Face [1.63 metres (5.35 feet)],
- b) To permit the two storey porch and stairs to be located within the corner sight line triangle when the By-law requires no structure be located within the corner sightline triangle,

be approved, subject to the following conditions:

1. That prior to the issuance of a building permit, the applicant makes application for an encroachment agreement and obtains approval for the encroachment with respect to the proposed porch and the proposed second storey addition onto the St. Arnaud Street road allowance. Further, that the applicant shall be responsible for the payment of all costs associated with the encroachment agreement and release of the encroachment agreement registered April 29, 1994 as Instrument Number 712156.
2. That the proposed porch and second storey addition will have as much clear glazing as permitted by the Ontario Building Code to ensure that the impact on adjacent properties is minimized.”

Carried

**Application:**           **A-103/11**

**Applicant:**           **Wieslaw and Malgorzata Zalewski**

**Agent:** n/a

**Location:** 29 Curzon Crescent

**In Attendance:** Wieslaw Zalewski

The Secretary-Treasurer read two emails received, one in support and one in objection to the application.

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements and if staff comments were received.

Mr. Zalewski replied the notice sign was posted and comments were received from staff. He explained when they purchased the dwelling in 2004 it was conditional on financing and the ability to have an accessory unit to assist with mortgage payments. He noted the accessory apartment was approved and they widened the driveway on their own. He advised they have tried to rent the apartment out with no parking space being provided and they were not successful in securing a tenant. He submitted a petition to the Committee from surrounding neighbours in support of the variance request.

Committee member J. Andrews questioned if the host dwelling had two cars.

Mr. Zalewski replied they have two cars and need them for employment and the tenant requires one parking space.

Planner R. Kostyan explained the basement apartment was approved in 2006 when only two parking spaces were required for the accessory apartment. She noted that although accessory apartments are permitted in semi-detached units they are only permitted if the lots are wide enough to support the required number of parking spaces.

Mr. Zalewski noted he would be willing to remove part of the additional asphalt to provide some soft landscaping on the property.

General discussion took place among the members of the Committee. There was general consensus that even though surrounding neighbours were in support of the application, widening all driveways along the street would look like a parking lot and would not meet the general intent and purpose of the Zoning By-law. It was further noted that occupying 87% of the front yard with driveway is not beneficial to the neighbourhood streetscape.

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

Moved by D. Kelly 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 5.2.1 Row 15 of Zoning By-law (1995)-14864, as amended, for 29 Curzon Crescent, to permit a 6.58 metre (21.6 foot) wide driveway occupying 87.73% of the front yard when the By-law requires a maximum driveway width of 3 metres (9.2 feet) occupying 40% of the front yard, be refused.”

Carried

**Application:** A-104/11  
**Applicant:** Bin Thai and Huon Thi Lien Nguyen  
**Agent:** n/a  
**Location:** 33 Curzon Crescent  
**In Attendance:** Bin Thai

The Secretary-Treasurer explained an email was received in support of the application.

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements and if staff comments were received.

Mr. Thai replied the notice sign was posted and comments were received from staff. He noted they have 5 cars in the family and they all park in the same driveway.

General discussion occurred among Committee members. They felt the driveway with was excessive and did not meet the general intent and purpose of the Zoning By-law.

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

Moved by P. Brimblecombe 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 5.2.1 Row 15 of Zoning By-law (1995)-14864, as amended, for 33 Curzon Crescent, to permit a 7.2 metre (23.6 foot) wide driveway occupying 78% of the front yard when the By-law requires a

maximum driveway width of 3.7 metres (12.2 feet) occupying 40% of the front yard, be refused.”

Carried

**Application:** A-105/11  
**Applicant:** James Rattray  
**Agent:** n/a  
**Location:** 22 Mason Court  
**In Attendance:** James Rattray  
Graham Rattray  
Staci Rattray  
Gwen and Ross Bradshaw

The Secretary-Treasurer advised there was an email received from the owner of 26 Mason Court in objection to the application.

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

Mr. Rattray replied the notice sign was posted and comments were received from staff. He provided background related to the creation of the unit. He advised they own both 22 and 24 Mason Court. He advised 24 Mason Court is being rented to a family and 22 Mason Court is rented to his niece’s family on the main floor and a single woman in the basement. He advised only one car parks in the driveway, however there is adequate room to stack three parking spaces.

Planner R. Kostyan explained the unit has not been registered with the City of Guelph and as a result the unit must comply with the current zoning requirements, requiring three off-street parking spaces.

Mr. Graham Rattray explained there is ample driveway space to stack three parking spaces. He explained the both properties are not filled with students and they want to improve their investment to provide affordable housing.

Committee member P. Brimblecombe questioned why the application was before the Committee when the unit was created some time ago.

Planner R. Kostyan replied staff received a complaint about the unit.

November 8, 2011 C of A Minutes

Chair L. McNair questioned if there was an accessory unit at 24 Mason Court.

Mr. Rattray replied there was no accessory unit there.

Committee member A. Diamond expressed concern that three parking spaces in a stacked arrangement will force the tenant to park on the street.

Mr. Rattray explained that any future tenants will be advised no parking is available.

Committee member D. Kelly noted one of the Committee's responsibilities is to decide what will work in the long term as the owner may not always own the property and she was of an opinion stacking three cars will create problems in the future.

Committee member R. Funnell noted Council has taken the position that residents can park on the street in summer months therefore on-street parking would be available most times for any tenants.

Mr. Rattray questioned if the residence was a single family dwelling would there be an issue with parking three cars in the driveway.

Chair L. McNair replied the parking would comply with the Zoning By-law as all residents would be able to share the keys.

Mrs. Bradshaw expressed concern as owners will open up to people making similar applications and there are problems with on-street parking on the street now.

Chair L. McNair requested the Committee split the requests for the Committee's consideration.

Moved by P. Brimblecombe seconded by J. Andrews,

"That the Committee consider the variance requests for 22 Mason Court into separate resolutions."

Carried.

#### 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 p. Brimblecombe 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 22 Mason Court, to permit three off-street parking spaces in a stacked arrangement for an dwelling with an accessory unit when the By-law requires three off-street parking spaces, with only two parking spaces in a stacked arrangement, be approved.”

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 J. Andrews and seconded by

Committee members requested to go out of Committee to question the applicant.

Committee member R. Funnell noted he has been consistent in consideration of variance requests from the Interim Control By-law. He questioned if the Committee could defer the application until the Interim Control By-law expired.

Staff noted if the Interim Control By-law expired the variance would not be necessary.

Committee member P. Brimblecombe questioned if the applicant put the accessory unit in the building.

Mr. Rattray replied they completed some finishes and are now aware of the requirements and trying to correct them.

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 J. Andrews 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 Interim Control By-law (2010)-19019 for 22 Mason Court, to permit a bachelor accessory apartment in the basement when the Interim Control By-law passed by City Council on June 7, 2010 prohibits the creation of new accessory units in R.1 and R.2 zoned portions of Ward 5 and all of Ward 6, be approved.”

The motion would 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 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 Interim Control By-law (2010)-19019 for 22 Mason Court, to permit a bachelor accessory apartment in the basement when the Interim Control By-law passed by City Council on June 7, 2010 prohibits the creation of new accessory units in R.1 and R.2 zoned portions of Ward 5 and all of Ward 6, be refused.”

Carried.

The meeting adjourned at 5:30 p.m.

L. McNair  
Chair

Minna Bunnnett, ACST(A)  
Assistant Secretary-Treasurer

Kim Fairfull, ACST  
Secretary-Treasurer



## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday September 13, 2011, 2011 at 4:00 p.m. in Meeting Room 112, City Hall, with the following members present:

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

Regrets: P. Brimblecombe

Staff Present: R. Kostyan, Planner  
K. Fairfull, Secretary-Treasurer  
M. Bunnett, Assistant Secretary-Treasurer (until 5:05 PM)

### Declarations of Pecuniary Interest

Committee member B. Birdsell declared a pecuniary interest with application numbers B-23/11 to B-35/11 due to the applicant being a client.

### Meeting Minutes

Moved by R. Funnell and seconded by D. Kelly,

“THAT the Minutes from the August 23, 2011 2011 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

The Secretary-Treasurer advised a decision was received from the Ontario Municipal Board for Application A-83/10 at 83 Rodgers Road. She explained the appeal by the owner was dismissed and the driveway width variance was refused.

The Assistant Secretary-Treasurer also advised that a teleconference hearing with the Ontario Municipal Board has been scheduled for Applications A-56/09 and A-57/09 at 23 Fairview Boulevard for Wednesday, September 14, 2011.

September 13, 2011 C of A Minutes

**Application:**            **A-75/11**

**Applicant:**            **Camilla Bradley and James Phillips**

**Agent:**                **n/a**

**Location:**            **178 Cardigan Street**

**In Attendance:**       **Camilla Bradley**  
                              **James Phillips**

The Assistant Secretary-Treasurer advised an agreement has been written by the owners of 176 and 178 Cardigan Street regarding accessing 178 Cardigan Street from the side yard of 176 Cardigan Street during construction (agreement circulated to Committee members).

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements and if the staff comments were received.

Mr. J. Phillips replied the sign was posted and the staff comments were received. He explained that currently the house is a storey and a half and would be renovated to have a full second storey addition. He further explained the application is for removing the existing second storey addition and replacing it with a new one.

Committee member J. Andrews questioned if the conditions imposed by the Guelph Junction Railway Company were a major concern.

Mr. J. Phillips replied they are not comfortable with the first condition. He explained they do not see how moving a window 3 feet closer to the railway would make a difference with noise. He noted that there is no direct relevance to the renovation. He added they also have an objection to the third condition as well.

Chair L. McNair commented how the railway act is very powerful and has enormous rights on railways. He explained the Guelph Junction Railway can possibly appeal the decision if the conditions are removed.

Committee member R. Funnell commented the dwelling in question is an old, existing house; not a matter of building a new house.

Chair L. McNair questioned if a new foundation will be poured for the addition.

Mr. J. Phillips replied a new foundation will not be poured.

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. Andrews 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 5.1.2-Row7 of Zoning By-law (1995)-14864, as amended, for 178 Cardigan Street, to demolish the existing second storey addition and replace it with an 8.4 metre by 5.7 metre (27.5 foot by 18.6 foot) second storey addition, in line with the existing building walls, being 0.2 metres (0.7 feet) from the left side lot line and 0.23 metres (0.75 feet) from the right side lot line, be approved subject to the following condition:

1. That the Owner places the following warning clause in all agreements of purchase and sale or lease on the lands:

“Warning: Guelph Junction Railway Company or its assigns or successors in interest has or have a right-of-way adjacent to 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 successors as aforesaid may expand its operations, which expansions may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuation measures in the design of the development and individual dwelling(s). Guelph Junction Railway Company will not be responsible for any complaints or claims arising from use of such facilities and or operations on, over or under the aforesaid right-of-way.”

Carried

Committee member B. Birdsell left the room at 4:19 PM.

**Applications:** B-23/11 to B-35/11  
**Applicant:** Guelph Sikh Society/Westminister Woods  
**Agent:** John Valeriote; Smith Valeriote Law Firm LLP  
**Location:** 410 Clair Road, East  
**In Attendance:** John Valeriote

The Assistant Secretary-Treasurer advised signs were not required to be posted for change of conditions.

Mr. J. Valeriot explained they have not been able to continue with the application. He further explained this is an expensive delay but necessary. He commented that until everything is in place including the severances, they can not proceed with the project. He noted that it is very important to have the extension in time.

There were no questions from the Committee.

Application Number B-23/11

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 R. Funnell 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 condition for consent for severance of Part of Lot 10, Concession 8, described as Parts 3 to 10, Reference Plan 61R-10932, a parcel with a width of 73.6 metres and a depth of 29.097 metres, which will consolidate with Parts 11 to 18, Reference Plan 61R-10932, municipally known as 185 to 199 Goodwin 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 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 16, 2012.
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-24/11

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 R. Funnell 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 condition for severance of Part of Lot 10, Concession 8 and Part of Block 172, 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 owner shall construct the new dwellings at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
2. The owner shall pay to the City the actual cost of constructing and installing any service laterals required from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing and installing any service laterals required to service the property.
3. The owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cut and/or curb fills from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay

to the City the estimated cost as determined by the City Engineer of constructing the new driveway accesses and the required curb cuts off Goodwin Drive.

4. That the owner builds on the lots and grades and drains the lots in accordance with a plan that has been submitted to and approved by the City Engineer, prior to the issuance of a building permit.
5. 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.
6. 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 the issuance of any building permits.
7. 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.
8. 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.
9. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph 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.
10. That the owner shall complete a tree conservation and compensation plan for the entire property satisfactory to the General Manager of Planning and Building Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between any proposed building and the single-detached housing lots to the north and west of the site.

11. That prior to the issuance of a building permit the owner agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the General Manager of Planning and Building Services to compensate for tree removal.
12. That prior to the endorsation of deeds, the owner pay future costs of the installation of a municipal sidewalk across the frontage of the subject properties on Goodwin Drive.
13. That prior to site plan approval the owner agrees to plant trees at a minimum tree caliper of 80 mm in size to achieve the buffering between any proposed building and the abutting single detached dwellings to the north and west to the satisfaction of the General Manager of Planning and Building Services.
14. That the owner acknowledges and agrees that the dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
15. That prior to the endorsation of the deeds, 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.
16. That the owner agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorsation of the deeds for the proposed lots for detached dwellings, the owner's lawyer shall certify to the General Manager of Planning and Building Services that there are no restrictive covenants which restrict the use of clotheslines.
17. 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.
18. That prior to building or endorsation of the deed, the applicant makes arrangement for the underground hydro servicing to the severed parcels, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
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 September 16, 2012.

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 Number B-25/11

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 R. Funnell 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 condition for severance of Part of Lot 10, Concession 8 and Part of Block 172, 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 owner shall construct the new dwellings at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
2. The owner shall pay to the City the actual cost of constructing and installing any service laterals required from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing and installing any service laterals required to service the property.



3. The owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cut and/or curb fills from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing the new driveway accesses and the required curb cuts off Goodwin Drive.
4. That the owner builds on the lots and grades and drains the lots in accordance with a plan that has been submitted to and approved by the City Engineer, prior to the issuance of a building permit.
5. 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.
6. 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 the issuance of any building permits.
7. 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.
8. 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.
9. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph 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.
10. That the owner shall complete a tree conservation and compensation plan for the entire property satisfactory to the General Manager of Planning and Building Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between any proposed building and the single-detached housing lots to the north and west of the site.

11. That prior to the issuance of a building permit the owner agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the General Manager of Planning and Building Services to compensate for tree removal.
12. That prior to the endorsation of deeds, the owner pay future costs of the installation of a municipal sidewalk across the frontage of the subject properties on Goodwin Drive.
13. That prior to site plan approval the owner agrees to plant trees at a minimum tree caliper of 80 mm in size to achieve the buffering between any proposed building and the abutting single detached dwellings to the north and west to the satisfaction of the General Manager of Planning and Building Services.
14. That the owner acknowledges and agrees that the dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
15. That prior to the endorsation of the deeds, 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.
16. That the owner agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorsation of the deeds for the proposed lots for detached dwellings, the owner's lawyer shall certify to the General Manager of Planning and Building Services that there are no restrictive covenants which restrict the use of clotheslines.
17. 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.
18. That prior to building or endorsation of the deed, the applicant makes arrangement for the underground hydro servicing to the severed parcels, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
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 September 16, 2012.

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 Number B-26/11

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 R. Funnell 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 condition for severance of Part of Lot 10, Concession 8 and Part of Block 172, 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 owner shall construct the new dwellings at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
2. The owner shall pay to the City the actual cost of constructing and installing any service laterals required from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing and installing any service laterals required to service the property.

3. The owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cut and/or curb fills from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing the new driveway accesses and the required curb cuts off Goodwin Drive.
4. That the owner builds on the lots and grades and drains the lots in accordance with a plan that has been submitted to and approved by the City Engineer, prior to the issuance of a building permit.
5. 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.
6. 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 the issuance of any building permits.
7. 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.
8. 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.
9. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsonation of the deeds, at the rate in effect at the time of the endorsonation.
10. That the owner shall complete a tree conservation and compensation plan for the entire property satisfactory to the General Manager of Planning and Building Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between any proposed building and the single-detached housing lots to the north and west of the site.

11. That prior to the issuance of a building permit the owner agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the General Manager of Planning and Building Services to compensate for tree removal.
12. That prior to the endorsation of deeds, the owner pay future costs of the installation of a municipal sidewalk across the frontage of the subject properties on Goodwin Drive.
13. That prior to site plan approval the owner agrees to plant trees at a minimum tree caliper of 80 mm in size to achieve the buffering between any proposed building and the abutting single detached dwellings to the north and west to the satisfaction of the General Manager of Planning and Building Services.
14. That the owner acknowledges and agrees that the dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
15. That prior to the endorsation of the deeds, 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.
16. That the owner agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorsation of the deeds for the proposed lots for detached dwellings, the owner's lawyer shall certify to the General Manager of Planning and Building Services that there are no restrictive covenants which restrict the use of clotheslines.
17. 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.
18. That prior to building or endorsation of the deed, the applicant makes arrangement for the underground hydro servicing to the severed parcels, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
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 September 16, 2012.

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 Number B-27/11

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 R. Funnell 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 condition for severance of Part of Lot 10, Concession 8 and Part of Block 172, 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 owner shall construct the new dwellings at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
2. The owner shall pay to the City the actual cost of constructing and installing any service laterals required from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing and installing any service laterals required to service the property.

3. The owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cut and/or curb fills from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing the new driveway accesses and the required curb cuts off Goodwin Drive.
4. That the owner builds on the lots and grades and drains the lots in accordance with a plan that has been submitted to and approved by the City Engineer, prior to the issuance of a building permit.
5. 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.
6. 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 the issuance of any building permits.
7. 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.
8. 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.
9. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph 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.
10. That the owner shall complete a tree conservation and compensation plan for the entire property satisfactory to the General Manager of Planning and Building Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between any proposed building and the single-detached housing lots to the north and west of the site.

11. That prior to the issuance of a building permit the owner agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the General Manager of Planning and Building Services to compensate for tree removal.
12. That prior to the endorsation of deeds, the owner pay future costs of the installation of a municipal sidewalk across the frontage of the subject properties on Goodwin Drive.
13. That prior to site plan approval the owner agrees to plant trees at a minimum tree caliper of 80 mm in size to achieve the buffering between any proposed building and the abutting single detached dwellings to the north and west to the satisfaction of the General Manager of Planning and Building Services.
14. That the owner acknowledges and agrees that the dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
15. That prior to the endorsation of the deeds, 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.
16. That the owner agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorsation of the deeds for the proposed lots for detached dwellings, the owner's lawyer shall certify to the General Manager of Planning and Building Services that there are no restrictive covenants which restrict the use of clotheslines.
17. 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.
18. That prior to building or endorsation of the deed, the applicant makes arrangement for the underground hydro servicing to the severed parcels, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
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 September 16, 2012.



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 Number B-28/11

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 R. Funnell 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 condition for severance of Part of Lot 10, Concession 8 and Part of Block 172, 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 owner shall construct the new dwellings at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
2. The owner shall pay to the City the actual cost of constructing and installing any service laterals required from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing and installing any service laterals required to service the property.

3. The owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cut and/or curb fills from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing the new driveway accesses and the required curb cuts off Goodwin Drive.
4. That the owner builds on the lots and grades and drains the lots in accordance with a plan that has been submitted to and approved by the City Engineer, prior to the issuance of a building permit.
5. 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.
6. 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 the issuance of any building permits.
7. 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.
8. 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.
9. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsonation of the deeds, at the rate in effect at the time of the endorsonation.
10. That the owner shall complete a tree conservation and compensation plan for the entire property satisfactory to the General Manager of Planning and Building Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between any proposed building and the single-detached housing lots to the north and west of the site.

11. That prior to the issuance of a building permit the owner agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the General Manager of Planning and Building Services to compensate for tree removal.
12. That prior to the endorsation of deeds, the owner pay future costs of the installation of a municipal sidewalk across the frontage of the subject properties on Goodwin Drive.
13. That prior to site plan approval the owner agrees to plant trees at a minimum tree caliper of 80 mm in size to achieve the buffering between any proposed building and the abutting single detached dwellings to the north and west to the satisfaction of the General Manager of Planning and Building Services.
14. That the owner acknowledges and agrees that the dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
15. That prior to the endorsation of the deeds, 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.
16. That the owner agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorsation of the deeds for the proposed lots for detached dwellings, the owner's lawyer shall certify to the General Manager of Planning and Building Services that there are no restrictive covenants which restrict the use of clotheslines.
17. 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.
18. That prior to building or endorsation of the deed, the applicant makes arrangement for the underground hydro servicing to the severed parcels, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
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 September 16, 2012.

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 Number B-29/11

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 R. Funnell 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 condition for severance of Part of Lot 10, Concession 8 and Part of Block 172, 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 owner shall construct the new dwellings at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
2. The owner shall pay to the City the actual cost of constructing and installing any service laterals required from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing and installing any service laterals required to service the property.

3. The owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cut and/or curb fills from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing the new driveway accesses and the required curb cuts off Goodwin Drive.
4. That the owner builds on the lots and grades and drains the lots in accordance with a plan that has been submitted to and approved by the City Engineer, prior to the issuance of a building permit.
5. 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.
6. 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 the issuance of any building permits.
7. 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.
8. 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.
9. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsonation of the deeds, at the rate in effect at the time of the endorsonation.
10. That the owner shall complete a tree conservation and compensation plan for the entire property satisfactory to the General Manager of Planning and Building Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between any proposed building and the single-detached housing lots to the north and west of the site.

11. That prior to the issuance of a building permit the owner agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the General Manager of Planning and Building Services to compensate for tree removal.
12. That prior to the endorsation of deeds, the owner pay future costs of the installation of a municipal sidewalk across the frontage of the subject properties on Goodwin Drive.
13. That prior to site plan approval the owner agrees to plant trees at a minimum tree caliper of 80 mm in size to achieve the buffering between any proposed building and the abutting single detached dwellings to the north and west to the satisfaction of the General Manager of Planning and Building Services.
14. That the owner acknowledges and agrees that the dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
15. That prior to the endorsation of the deeds, 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.
16. That the owner agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorsation of the deeds for the proposed lots for detached dwellings, the owner's lawyer shall certify to the General Manager of Planning and Building Services that there are no restrictive covenants which restrict the use of clotheslines.
17. 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.
18. That prior to building or endorsation of the deed, the applicant makes arrangement for the underground hydro servicing to the severed parcels, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
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 September 16, 2012.

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 Number B-30/11

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 R. Funnell 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 condition for severance of Part of Lot 10, Concession 8 and Part of Block 172, 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 owner shall construct the new dwellings at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
2. The owner shall pay to the City the actual cost of constructing and installing any service laterals required from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing and installing any service laterals required to service the property.

3. The owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cut and/or curb fills from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing the new driveway accesses and the required curb cuts off Goodwin Drive.
4. That the owner builds on the lots and grades and drains the lots in accordance with a plan that has been submitted to and approved by the City Engineer, prior to the issuance of a building permit.
5. 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.
6. 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 the issuance of any building permits.
7. 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.
8. 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.
9. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph 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.
10. That the owner shall complete a tree conservation and compensation plan for the entire property satisfactory to the General Manager of Planning and Building Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between any proposed building and the single-detached housing lots to the north and west of the site.



11. That prior to the issuance of a building permit the owner agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the General Manager of Planning and Building Services to compensate for tree removal.
12. That prior to the endorsation of deeds, the owner pay future costs of the installation of a municipal sidewalk across the frontage of the subject properties on Goodwin Drive.
13. That prior to site plan approval the owner agrees to plant trees at a minimum tree caliper of 80 mm in size to achieve the buffering between any proposed building and the abutting single detached dwellings to the north and west to the satisfaction of the General Manager of Planning and Building Services.
14. That the owner acknowledges and agrees that the dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
15. That prior to the endorsation of the deeds, 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.
16. That the owner agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorsation of the deeds for the proposed lots for detached dwellings, the owner's lawyer shall certify to the General Manager of Planning and Building Services that there are no restrictive covenants which restrict the use of clotheslines.
17. 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.
18. That prior to building or endorsation of the deed, the applicant makes arrangement for the underground hydro servicing to the severed parcels, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
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 September 16, 2012.

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 Number B-31/11

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 R. Funnell 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 or change of condition for consent for severance of Part of Block 175, Registered Plan 61M-143, Goodwin Drive, a parcel with a width of 8 metres and a depth of 2.9 metres, as a lot addition to the property municipally known as 410 Clair Road, East, 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 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 16, 2012.
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 Number B-32/11

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 R. Funnell 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 or change of condition for consent for severance of Part of Lot 10, Concession 8, being part of the lands associated with the property municipally known as 410 Clair Road, East, a parcel with a width of 34.5 metres and a depth of 29 metres, as a lot addition to a parcel fronting on Goodwin Drive (Parts 19 and 20, Reference Plan 61R-10932), 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 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 16, 2012.
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 Number B-33/11

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 R. Funnell 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 condition for consent for severance of Part of Block 175, Registered Plan 61M-143 and Part of Lot 10, Concession 8, to be known municipally as 201 Goodwin Drive, a parcel with a frontage along Goodwin Drive of 11 metres and a depth of 32 metres, be approved, subject to the following conditions:

1. That the owner shall construct the new dwellings at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
2. The owner shall pay to the City the actual cost of constructing and installing any service laterals required from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing and installing any service laterals required to service the property.
3. The owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cut and/or curb fills from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing the new driveway accesses and the required curb cuts off Goodwin Drive.
4. That the owner builds on the lots and grades and drains the lots in accordance with a plan that has been submitted to and approved by the City Engineer, prior to the issuance of a building permit.
5. 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.
6. 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 the issuance of any building permits.
7. 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.
8. 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.

9. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph 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.
10. That the owner shall complete a tree conservation and compensation plan for the entire property satisfactory to the General Manager of Planning and Building Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between any proposed building and the single-detached housing lots to the north and west of the site.
11. That prior to the issuance of a building permit the owner agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the General Manager of Planning and Building Services to compensate for tree removal.
12. That prior to the endorstation of deeds, the owner pay future costs of the installation of a municipal sidewalk across the frontage of the subject properties on Goodwin Drive.
13. That prior to site plan approval the owner agrees to plant trees at a minimum tree caliper of 80 mm in size to achieve the buffering between any proposed building and the abutting single detached dwellings to the north and west to the satisfaction of the General Manager of Planning and Building Services.
14. That the owner acknowledges and agrees that the dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
15. That prior to the endorstation of the deeds, 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.
16. That the owner agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorstation of the deeds for the proposed lots for detached dwellings, the owner's lawyer shall certify to the General Manager of Planning and Building Services that there are no restrictive covenants which restrict the use of clotheslines.
17. The owner shall carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal, adverse impacts to any significant archaeological resources found. No demolition, grading or any soil disturbances shall

take place on the subject property, prior to the issuance of a letter from the Ministry of Citizenship, Culture and Recreation to the City indicating that all archaeological assessment and/or mitigation activities undertaken have met licensing and resource conservation requirements.

18. 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.
19. That prior to building or endorsation of the deed, the applicant makes arrangement for the underground hydro servicing to the severed parcels, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
20. 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 16, 2012.
21. 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.
22. 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.
23. 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-34/11

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 R. Funnell 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 condition for consent for severance of Part of Block 175, Registered Plan 61M-143 and Part of Lot 10, Concession 8, to be known municipally as 203 Goodwin Drive, a parcel with a frontage along Goodwin Drive of 11 metres and a depth of 32 metres, be approved, subject to the following conditions:

1. That the owner shall construct the new dwellings at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
2. The owner shall pay to the City the actual cost of constructing and installing any service laterals required from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing and installing any service laterals required to service the property.
3. The owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cut and/or curb fills from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing the new driveway accesses and the required curb cuts off Goodwin Drive.
4. That the owner builds on the lots and grades and drains the lots in accordance with a plan that has been submitted to and approved by the City Engineer, prior to the issuance of a building permit.
5. 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.
6. 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 the issuance of any building permits.
7. 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.
8. 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.
9. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph 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.
  10. That the owner shall complete a tree conservation and compensation plan for the entire property satisfactory to the General Manager of Planning and Building Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between any proposed building and the single-detached housing lots to the north and west of the site.
  11. That prior to the issuance of a building permit the owner agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the General Manager of Planning and Building Services to compensate for tree removal.
  12. That prior to the endorstation of deeds, the owner pay future costs of the installation of a municipal sidewalk across the frontage of the subject properties on Goodwin Drive.
  13. That prior to site plan approval the owner agrees to plant trees at a minimum tree caliper of 80 mm in size to achieve the buffering between any proposed building and the abutting single detached dwellings to the north and west to the satisfaction of the General Manager of Planning and Building Services.
  14. That the owner acknowledges and agrees that the dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
  15. That prior to the endorstation of the deeds, 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.

16. That the owner agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorsement of the deeds for the proposed lots for detached dwellings, the owner's lawyer shall certify to the General Manager of Planning and Building Services that there are no restrictive covenants which restrict the use of clotheslines.
17. The owner shall carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal, adverse impacts to any significant archaeological resources found. No demolition, grading or any soil disturbances shall take place on the subject property, prior to the issuance of a letter from the Ministry of Citizenship, Culture and Recreation to the City indicating that all archaeological assessment and/or mitigation activities undertaken have met licensing and resource conservation requirements.
18. 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.
19. That prior to building or endorsement of the deed, the applicant makes arrangement for the underground hydro servicing to the severed parcels, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
20. 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 16, 2012.
21. 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.
22. 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.
23. 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-35/11

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 R. Funnell 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 condition for consent for severance of Part of Block 175, Registered Plan 61M-143 and Part of Lot 10, Concession 8, to be known municipally as 205 Goodwin Drive, a parcel with a frontage along Goodwin Drive of 11 metres and a depth of 32 metres, be approved, subject to the following conditions:

1. That the owner shall construct the new dwellings at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
2. The owner shall pay to the City the actual cost of constructing and installing any service laterals required from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing and installing any service laterals required to service the property.
3. The owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cut and/or curb fills from Goodwin Drive, and furthermore, prior to the issuance of any building permits, the owner shall pay to the City the estimated cost as determined by the City Engineer of constructing the new driveway accesses and the required curb cuts off Goodwin Drive.
4. That the owner builds on the lots and grades and drains the lots in accordance with a plan that has been submitted to and approved by the City Engineer, prior to the issuance of a building permit.
5. 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.
6. 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 the issuance of any building permits.

7. 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.
8. 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.
9. That the applicant shall pay to the City cash-in-lieu of park land dedication for the entire development, in accordance with City of Guelph 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.
10. That the owner shall complete a tree conservation and compensation plan for the entire property satisfactory to the General Manager of Planning and Building Services prior to any grading, tree removal, construction on the site or Site Plan Approval being issued. Furthermore, this plan will focus on providing additional landscaping and buffering between any proposed building and the single-detached housing lots to the north and west of the site.
11. That prior to the issuance of a building permit the owner agrees to plant a tree in the rear yard of each of the new lots for detached dwellings to the satisfaction of the General Manager of Planning and Building Services to compensate for tree removal.
12. That prior to the endorstation of deeds, the owner pay future costs of the installation of a municipal sidewalk across the frontage of the subject properties on Goodwin Drive.
13. That prior to site plan approval the owner agrees to plant trees at a minimum tree caliper of 80 mm in size to achieve the buffering between any proposed building and the abutting single detached dwellings to the north and west to the satisfaction of the General Manager of Planning and Building Services.
14. That the owner acknowledges and agrees that the dwelling units fronting on Goodwin Drive will be constructed to an ENERGY STAR standard that promotes

- energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.
15. That prior to the endorstation of the deeds, 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.
  16. That the owner agrees to eliminate the use of any covenants that would restrict the use of clotheslines and that prior to the endorstation of the deeds for the proposed lots for detached dwellings, the owner's lawyer shall certify to the General Manager of Planning and Building Services that there are no restrictive covenants which restrict the use of clotheslines.
  17. The owner shall carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal, adverse impacts to any significant archaeological resources found. No demolition, grading or any soil disturbances shall take place on the subject property, prior to the issuance of a letter from the Ministry of Citizenship, Culture and Recreation to the City indicating that all archaeological assessment and/or mitigation activities undertaken have met licensing and resource conservation requirements.
  18. That prior to the endorstation 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.
  19. That prior to building or endorstation of the deed, the applicant makes arrangement for the underground hydro servicing to the severed parcels, satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc.
  20. 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 16, 2012.
  21. 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.
  22. 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.

23. 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 Committee members advised Mr. John Valeriote to submit a letter regarding request for partial refund of the application fees for the Committee’s consideration.

Committee member B. Birdsell was summoned back to the room at 4:27 PM.

**Application:**            **A-76/11**  
**Applicant:**            **Jessica Kuiken**  
**Agent:**                 **Josh Whitehead**  
**Location:**            **97 Johnson Street**  
**In Attendance:**       **Josh Whitehead**

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. J. Whitehead replied the sign was posted and the staff comments were also received. He explained that the application is for enlarging the bathroom on the second floor. He further explained the addition will be on the left side of the dwelling in line with the existing building wall which does not conform to the By-law regulations.

The Secretary-Treasurer noted there was a misunderstanding during the application process regarding the first floor addition which is not occurring.

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 seconded by D. Kelly,

“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 97 Johnson Street, to permit a second storey addition to be situated 0.6 metres (1.97 feet) from the left side property line when the By-law requires that single detached dwellings shall be located a minimum of 1.5 metres (4.92 feet) from the side yard, be approved.”

Carried

**Applications:** B-21/11, A-72/11 and A-73/11

**Applicant:** Manish Raizada

**Agent:** Jackie Swaisland

**Location:** 158 Paisley Street

**In Attendance:** Jackie Swaisland  
David Samis  
John Samis

Chair L. McNair questioned if the signs had been posted in accordance with Planning Act requirements.

Ms. J. Swaisland replied yes, the sign was posted and staff comments were also received. She explained the proposal is to sever the property and minor variances are needed to accommodate this. She further explained that the large property has a small house situated at the back of the property. She commented the neighbouring properties layouts are similar to the severance proposal. She noted the existing barn has no heritage value and only one tree might have to be removed. She explained one of the variances requested is for the proposed parking on the retained parcel. She noted that the Zoning By-law has a section which allows for parking in the front yard and not to the rear of the dwelling and this would be in keeping with the neighbourhood. She commented the parking on the retained parcel will comply with the by-law regulations and will not be out of character. She explained that the preference is not to park at the back yard of the properties which was also mentioned by neighbours at the previous meeting.

There were no questions from the Committee.

Application Number B-21/11

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 A. Diamond seconded by J. Andrews,

“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 13, Registered Plan 29, to be known as 156 Paisley Street, a parcel with a frontage along Paisley Street of 10.7 metres (35 feet) and a depth of 37.2 metres (122.1 feet), be approved subject to the following conditions:

1. That the owner pays \$280.00 for the watermain frontage charge at \$8.00 per foot of frontage for 35.00 feet (10.67 metres), prior to endorstation of the deeds.
2. That the owner pays \$385.00 for the sanitary sewer frontage charge at \$11.00 per foot of frontage for 35.00 feet (10.67 metres), prior to endorstation of the deeds.
3. That the owner pays the actual cost of the construction of the new driveway entrance and the required curb cut and curb fill 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
4. 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.
5. 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 or 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.
6. 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.



7. 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.
8. That prior to the issuance of a building permit 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.
9. That the owner provides a legal off-street parking space on the proposed severed lands satisfactory to the General Manager/City Engineer, at a minimum setback of 6.0-metres (19.69 feet) from the property line at the street.
10. That the owner shall pay for all the costs associated with the removal of the existing frame barn and a portion of the existing fence from the proposed severed lands, prior to endorstation of the deeds.
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 the issuance of a building permit.
12. That prior to endorstation 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.
13. 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 servicing of the new created lot. The owner must also maintain 1.5m clearance of the proposed new driveway to the Guelph Hydro pole. If 1.5m clearance cannot be maintained, Guelph Hydro will relocate the pole at the owner's expense.
14. That parking for the retained and severed parcels be provided in accordance with the requirements of the Zoning By-law.
15. 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 & Building 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.
16. That a site plan be submitted to, and approved by the General Manager of Planning & Building 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.
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 & Building Services.
  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 September 16, 2012.
  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 Number A-72/11

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 J. Andrews,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Table 5.1.2 - Row 3, Row 4 and Row 7 and Sections 4.13.2.1 and 5.1.2.6 of Zoning By-law (1995)-14864, as amended, for 158 Paisley Street, to permit the retained parcel from Application B-21/11:

- a) to permit a lot frontage of 11.25 metres (36.9 feet) when the By-law requires a minimum lot frontage of 14.54 metres (47.7 feet),
- b) to permit a lot area of 418.39 square metres (4,503.5 square feet) when the By-law requires a minimum lot area of 460 square metres (4,951.4 square feet),
- c) to permit a left side yard of 0.73 metres (2.39 feet) when the By-law requires a minimum side yard of 1.5 metres (4.92 feet), and
- d) to permit the required off-street parking space to be located 2.88 metres (9.45 feet) from the street line, ahead of the main front wall of the main building when the By-law requires every required parking space be located a minimum distance of 6 metres (19.7 feet) from the street line and to the rear of the front wall of the main building, be approved , subject to the following condition:
  - 1. That the conditions imposed for Application B-21/11 be and form part of this approval.”

Carried.

Application Number A-73/11

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 D. Kelly,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Table 5.1.2 - Row 3 and Row 4 and Section 5.1.2.6 of Zoning By-law (1995)-14864, as amended, for 156 Paisley Street, to permit the severed parcel from Application B-21/11:

- a) to permit a lot frontage of 10.67 metres (35 feet) when the by-la requires a minimum lot frontage of 14.54 metres (47.7 feet), and
- b) to permit a lot area of 396.82 square metres (4,271.3 square feet) when the By-law requires a minimum lot area of 460 square metres (4,951.4 square feet) be approved , subject to the following condition:
  - 1. That the conditions imposed for Application B-21/11 be and form part of this approval.”

Carried.

**Application:**            **A-47/11**

**Applicant:**            **A. Donis**

**Agent:**                 **A. Donis**

**Location:**            **25 Ervin Crescent**

**In Attendance:**       **Alexandra Donis**  
                              **Anthony Archer**  
                              **Pat Scriver**  
                              **Irene Midelraad**  
                              **Norm Lawrence**  
                              **Marius Roland**  
                              **Greg and Kate Watson**

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. Donis replied the notice sign was posted and comments were received. She explained she purchased the property two years ago and all renovations, including the bachelor apartment existed at that time. She noted they did not determine at that time if permits were in place. She explained the apartment complies with the By-law and would be permitted if the Interim Control by-law was not in effect. She explained her son is attending the University of Guelph and will remain in the dwelling while at university. She advised the property contains a pool and is not considered a property purchased for financial gain only. She advised she has positive relations with her neighbours and they have her contact information if any problems occur at the dwelling. She did explain they had a few concerns this summer as the pool company did not open the pool until late June and the student residing in the dwelling did not cut the lawn, as had been agreed to.

Mr. Archer addressed the comments submitted from neighbours and noted the house is maintained. He noted most students cannot afford vehicles and one vehicle only is parked at the residence.

Committee member D. Kelly questioned why the application has brought forward in the first place.

The Secretary-Treasurer advised the application was submitted in response to pro-active enforcement.

Chair L. McNair questioned how many bedrooms existed in the dwelling.

Ms. Donis replied 4 bedrooms existed upstairs and bachelor unit downstairs.

Chair L. McNair questioned if the living room was converted to a bedroom.

Ms. Donis replied she narrowed the door.

Greg Watson explained he resided on Steffler Drive. He objected to the application to the creation of the accessory apartment. He explained the property has not been maintained and the pool was finally opened after complaints from neighbours. He explained there are constant parties on the street. He noted this property was up for sale this year and they could not get a buyer. He explained there are various times when the driveway is full of cars and they have to rely on on-street parking.

Committee member R. Funnell explained to the neighbours the owner would be able to retain the accessory apartment if the Interim Control By-law was not in place as it complies with both the existing zoning regulations and proposed zoning regulations.

Kate Watson explained the house is in disrepair and the chimney is falling apart. She expressed concern the approval would set a precedent. She explained when they moved on the street there was 2 student houses, now there are 9 student houses.

Pat Scriver expressed concern about the lack of on-street parking on the street.

Planner R. Kostyan noted the width of the driveway is sufficient to support the parking of two cars.

Mr. Archer explained they have heard there is a concern about parking and advised it will be addressed. He further explained they have quotes on the repair of the chimney and will have the top end re-built at the end of September. He noted they have an open dialogue with the neighbours and it is the first they have heard some of these complaints.

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 seconded by D. Kelly,

“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 Interim Control By-law (2010)-19019, to permit a 62.4 square metre (672 square foot) bachelor basement apartment when the By-law passed by Guelph City Council on June 7, 2010 prohibits the creation of accessory units in R.1 and R.2 zoned portions of Ward 5 and all of Ward 6, be refused.”

Reasons for refusal being –

1. The intent of the Interim Control By-law has not been met and therefore does not meet the tests for minor variance in the Planning Act.”

Carried

**Application:** A-77/11  
**Applicant:** D & B Miron  
**Agent:** Van Harten Surveying Inc.  
**Location:** 11 Cote Drive  
**In Attendance:** Bradford Miron  
Jeff Buisman

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Buisman replied the notice sign was posted and comments were received from staff. He noted the lot has an odd configuration and what was considered a side is actually a rear yard will actually function as a side yard.

Planner R. Kostyan noted the lot is irregular in shape with an angle greater than 150 degrees would pass a criteria it is now considered to be a rear 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 D. Kelly seconded by J. Andrews,

“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 11 Cote Drive, to permit a new dwelling to be situate 1.5 metres (4.92 feet) from the north rear property line when the By-law requires a minimum rear yard of 5.24 metres (17.2 feet), be approved, subject to the following conditions:

1. 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 servicing of the new created lot. The owner must also maintain 1.5m clearance of the proposed new driveway to the Guelph Hydro pole. If 1.5m clearance cannot be maintained, Guelph Hydro will relocate the pole at the owner's expense.
2. That the applicant satisfies the conditions approved by the Committee under consent application B-50/10.”

Carried

The meeting adjourned at 5:35 p.m.

L. McNair  
Chair

Minna Bunnett, ACST(A)  
Assistant Secretary-Treasurer

K. E. Fairfull, ACST  
Secretary-Treasurer

## COMMITTEE OF ADJUSTMENT

### Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday December 13, 2011 at 3:00 p.m. in Meeting Room 112, City Hall, with the following members present:

R. Funnell  
P. Brimblecombe  
B. Birdsell  
J. Andrews  
A. Diamond  
L. McNair – Chair  
D. Kelly, Vice-Chair

Staff Present: R. Kostyan, Planner  
K. Fairfull, Secretary-Treasurer  
M. Bunnnett, Assistant Secretary-Treasurer

Mayor Karen Farbridge and Councillor June Hofland presented a plaque from the City to Committee member P. Brimblecombe, congratulating him on 10 years of service on the Committee of Adjustment.

Members and staff presented a token of their appreciation to P. Brimblecombe for his years of service.

### Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Meeting Minutes

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

“THAT the Minutes from the November 8, 2011 Regular Meeting of the Committee of Adjustment, be approved as printed and circulated.”

Carried

### Other Business

The Secretary-Treasurer advised an Ontario Municipal Board hearing has been scheduled for Application A-74/11, 25 Ervin Crescent for January 5, 2012. She also advised an Ontario



December 13, 2011 C of A Minutes

Municipal Board hearing has been scheduled for Applications A-86/11 and A-87/11 for 27 and 29 Westra Drive for February 8, 2012.

The Secretary-Treasurer further advised the appeal for Application A-4/11, 47 Grange Street/55 Hillcrest Drive has been withdrawn by the appellants.

The Secretary-Treasurer also advised an appeal was received for Application A-103/11 at 29 Curzon Drive being a decision of refusal for a driveway width. An appeal was also received for Application A-105/11 at 22 Mason Court being a decision of refusal for a variance from the Interim Control By-law to permit a one bedroom accessory apartment.

The Secretary-Treasurer advised staff and Committee member A. Diamond attend the Ontario Municipal Board hearing for 129 Baxter Drive, being an appeal by the property owner against the Committee's decision of refusal for a variance from the Interim Control By-law. She advised the Board Chair issued a verbal decision dismissing the appeal and ordering the variance be refused.

**Applications:                B-22/11 and A-106/11**

**Owner:                        Mariusz Piatek**

**Agent:                        Gerald W. Punnett**

**Location:                    166 Elizabeth Street**

**In Attendance:            Gerald Punnett  
                                     Claudia Gori**

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

Mr. Punnett explained two abutting properties 178 Elizabeth Street and 166 Elizabeth Street were purchased by Mr. Gori. He advised Mr. Gori passed away and left both properties to his niece Claudia Gori. Ms. Gori sold the property at 166 Elizabeth to Mr. Piatec without the benefit of a survey. He noted the conveyance resulted in Mr. Piatec's property boundary in the house at 170 Elizabeth Street. He advised this resulted in a lawsuit with final results ordered that a severance as a lot addition be received. He further advised staff has requested a maintenance easement be provided adjacent to the greenhouse to allow for building wall maintenance.

Claudia Gori explained her family has owned and operated Bobs Greenhouse for 38 years. She explained she did not support the maintenance easement as it would limit her installing a fence along the lot line. She explained the greenhouse was portable and could either be relocated or maintained from the inside of the building.

Planner R. Kostyan noted it was staff that recommended the easement be provided in this case.

Mr. Punnett noted they do not agree the building wall can be maintained from the inside of the building and advised Mr. Piatec agrees with all conditions recommended by staff.

In response to a question from Committee member A. Diamond, Mr. Punnett advised the greenhouse was not portable and could not be easily moved as it has been constructed with a foundation.

Application Number B-22/11

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 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 of Lot 5, Registered Plan 263, known as 166 Elizabeth Street, a parcel with a frontage along Elizabeth Street of 7.98 metres (26.18 feet) and a depth of 58.43 metres (191.69 feet) as a lot addition to 170 Elizabeth Street, subject to an easement along the right side lot line with a width of 1.52 metres (5 feet) and a length of 27.3 metres (89.56 feet), in favour of 166 Elizabeth Street, to provide maintenance access to the existing 6.5 metre by 27.3 metre (21.3 foot by 89.6 foot) green house, 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 2.13-metre (7.0 feet) wide parcel of land for a road widening across the frontage of number 166 Elizabeth Street as shown in red on the owners site plan, prior to endorsement of the deeds.
4. That prior to endorsement of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the road widening.

5. That prior to endorsation of the deeds, the owner of 170 Elizabeth Street (Part of Lots 5 and 6, Registered Plan 263) grants an easement approximately 1.52-metres (5.00 feet) wide by approximately 27.3-metres (89.56 feet) long, registered on title, in favour of 166 Elizabeth Street (Part of Lot 5, Registered Plan 263) as shown in red on the applicant's site plan.
6. That prior to endorsation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the easement.
7. That prior to endorsation of the deeds, the owner's solicitor certifies that the easement in favour of 166 Elizabeth Street (Part of Lot 5, Registered Plan 263), has been granted and registered on title.
8. That an easement be incorporated into the conveying deed to satisfy the requirements of Canadian National Railway.
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 December 16, 2012.
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) or supplied on a compact disk."

Carried

Application Number A-106/11

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 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 4.5.1.1, 4.5.1.2, 5.1.2.6 and Table 5.1.2 Row 4 of Zoning By-law (1995)-14864, as amended, for 166 Elizabeth Street,

- a) to permit a lot frontage of 12.19 metres (39.99 feet) when the By-law requires a lot frontage of 15 metres (49.23 feet);
- b) to permit an existing green house to be situate 0.01 metres (0.03 feet) from the right rear side yard when they By-law requires accessory building or structures be situate a minimum of 0.6 metres (2 feet) of any lot line, and
- c) to permit the existing green house to occupy 36.4% of the rear yard when the By-law permits no more than 30% of the yard occupied by accessory structures or buildings,

be approved, subject to the following condition:

1. That the conditions imposed for Application B-22/11 be and form part of this approval.”

Carried.

**Application:** A-114/11  
**Owner:** Skyline Equities Inc.  
**Agent:** Astrid J. Clos, Planning Consultants  
**Location:** 51-59 Yarmouth Street  
**In Attendance:** Astrid Clos  
Jason Ashdown

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

Ms. Clos explained the building was constructed a number of years ago and recently received approval from City Council for a condominium. A site plan submission occurred which resulted in variances being applied for to correct some minor site conditions.

Chair L. McNair questioned what the required number of parking spaces were.

Ms. Clos replied the zoning requires a total of 55 parking spaces which is what is being provided.

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

Moved by D. Kelly seconded by P. Brimblecombe,

“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 6.3.3.1.5.2.2, 4.13.1, 4.13.5.1 and 4.6.2.2 of Zoning By-law (1995)-14864, as amended, for 51-59 Yarmouth Street, for an existing 9 storey apartment building,

- a) to permit four outdoor parking space dimensions of 2.75 metres by 5.5 metres (9 feet by 18.04 feet) when the By-law requires minimum outdoor parking space dimensions of 2.8 metres by 6 metres (9.18 feet by 19.68 feet);
- b) to permit a portion of four (4) parking spaces to encroach within the Yarmouth Street road allowance when the By-law requires every off-street parking area shall be located on the same lot as the use requiring the parking;
- c) to permit the second required accessible parking space to be located on Yarmouth Street when the By-law requires two accessible parking spaces on the same lot as the use requiring the parking, and,
- d) to permit a parked motor vehicle in four (4) parking spaces which encroach within the sight line triangle at vehicular access areas when the By-law permits no parked vehicle within any part of a driveway sight line triangle at vehicular access area,

be approved, subject to the following condition:

1. The owner shall enter into an Encroachment Agreement with the City, satisfactory to the General Manager/City Engineer and the City Solicitor, for the use of the road allowance for parking purposes.”

Carried

**Applications:** A-111/11 and A-112/11  
**Owner:** Finoro Homes Ltd.  
**Agent:** Van Harten Surveying Inc.

**Location:** 381 and 383 Starwood Drive

**In Attendance:** Paul Magahay  
Peter Finoro

Chair L. McNair 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 requested the Committee consider granting an additional 18 month extension on the variances to allow for the sale of the 10 remaining lots.

Chair L. McNair noted there is no driveway or curb cut to the front of 383 Starwood Drive.

Mr. Magahay replied they would be willing to include the requirement for the curb cut and driveway in the agreement.

Application Number A-111/11

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 Sections 4.13.2.1 and Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 381 Starwood Drive, to permit the existing garages (381 and 383 Starwood Drive) to be used as sales offices and each of the garages to have a temporary link with a 0 metre side yard and to permit the legal off-street parking space for 381 Starwood Drive to be situate 1.8 metres (5.91 feet) from the Starwood Drive property line, be approved, subject to the following condition:

1. That the temporary sales office at 381 Starwood Drive and at 383 Starwood Drive be restored to garage parking space and the required side yard setback be restored prior to the transfer of lease/title to a subsequent owner(s) or within 3 years of the date of this decision, whichever occurs first.
2. That the existing Site Plan Agreement for this property is amended to recognize this extension.

3. That the owner re-enters into a Site Plan Control Agreement registered on the title of the properties, requiring that the link be removed and the sales offices restored to garages to accommodate a 3 metre by 6 metre parking space for each dwelling, prior to the transfer of title to a subsequent owner or within 3 years of the date of this decision.”

Carried.

Application Number A-112/11

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 Sections 4.13.2.1 and Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 383 Starwood Drive, to permit the existing garages (381 and 383 Starwood Drive) to be used as sales offices and each of the garages to have a temporary link with a 0 metre side yard and to permit the legal off-street parking space for 383 Starwood Drive to be situate 1.5 metres (4.92 feet) from the Starwood Drive property line, be approved, subject to the following condition:

1. That the temporary sales office at 381 Starwood Drive and at 383 Starwood Drive be restored to garage parking space and the required side yard setback be restored prior to the transfer of lease/title to a subsequent owner(s) or within 3 years of the date of this decision, whichever occurs first.
2. That the existing Site Plan Agreement for this property is amended to recognize this extension.
3. That the owner re-enters into a Site Plan Control Agreement registered on the title of the properties, requiring that the link be removed and the sales offices restored to garages to accommodate a 3 metre by 6 metre parking space for each dwelling, prior to the transfer of title to a subsequent owner or within 3 years of the date of this decision.”

Carried

**Application:** A-113/11  
**Owner:** Van Phanh Danh, Hoan Thi Nguyan  
**Agent:** Mario Favaro  
**Location:** 170 Edinburgh Road North  
**In Attendance:** Mario Favaro

Chair L. McNair questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. Mr. Favaro replied the notice sign was posted and comments were received from staff. He explained he would like to convert the previous computer store into one residential unit.

There were no questions from 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, and having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by J. Andrews seconded by D. Kelly,

“THAT in the matter of an application under Section 45(2)(a)(ii) and Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, permission to change the legal non-conforming use and a variance from the requirements of Section 4.13.4.3 of Zoning By-law (1995)-14864, as amended, for 170 Edinburgh Road North, to permit a three unit residential dwelling with a total of four (4) off-street parking spaces when the By-law requires a total of five (5) off-street parking spaces, be approved, subject to the following condition:

That the City boulevard and sidewalk be protected by the placement of four wooden posts between the sidewalk and the building and the concrete curbs as the parking spaces, prior to issuance of the building permit.”

Carried

**Application:** A-109/11



**Owner:**                    **Johanne Noonan**  
**Agent:**                    **Complete Home Concepts**  
**Location:**                **20 Peter Avenue**  
**In Attendance:**        **Kim Brown**

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

Ms. Brown replied the notice sign was posted and comments were received from staff. She explained they wish to construct an enclosed porch to the front of the house which requires approval for a setback variance.

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 seconded by P. Brimblecombe,

“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 20 Peter Avenue, to construct a 2.7 metre by 1.87 metre (8.87 foot by 6.16 foot) enclosed front porch which will be situate 4.45 metres (14.43 feet) from the Peter Avenue property line when the By-law requires a minimum front yard setback of the average of the setbacks of the properties within the same City Block Face [6.64 metres (21.8 feet)], be approved.”

Carried.

**Application:**            **B-38/11**  
**Owner:**                   **Bradford and Diane Miron**  
**Agent:**                    **n/a**  
**Location:**                **35 Skov Crescent**  
**In Attendance:**        **Michael Verdone**

The Secretary-Treasurer advised no signs were required as the application is for a change of condition.

Mr. Verdone advised he is the purchaser of the property. He noted he has discussed the recommendations with the owner and he is in agreement.

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

Moved by D. Kelly 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 condition for severance of Part of Lots 25 and 32, Registered Plan 329, to be known as 11 Cote Drive, a parcel irregular in shape, with a lot frontage of 15.02 metres (49.27 feet) and a depth of 26.02 metres (85.37 feet) along the easterly lot line, be approved, subject to the following conditions:

1. That prior to issuance of building permits, the applicant makes arrangement for servicing to the newly created lot, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the owner's expense.
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. That the owner pays the actual cost of constructing new service laterals to the severed lands including the cost of any curb cuts or fills required, with the estimated cost of the works as determined necessary by the City Engineer being paid, prior to the issuance of a building permit.
4. 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.
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 the owner shall pay the actual costs associated with the removal of a portion of the existing asphalt pavement and a portion of the existing wood fence from the proposed severed lands, prior to endorstation of the deed.
7. That the owner shall pay the actual costs associated with the removal of a portion of the existing pond from the proposed severed lands, prior to endorstation of the deed.
8. That the owner enters into a Storm Sewer Agreement with the City, satisfactory to the City Engineer and the City Solicitor, prior to endorstation of the deed.
9. That a legal off-street parking space be created on the severed parcel at a minimum setback of 6-metres from the property line at the street.
10. That the owner shall make satisfactory arrangements with the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the vacant lands, prior to the issuance of any building permit.
11. That prior to endorstation of the deed, 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.
12. That prior to the endorstation of deed, the existing asphalt driveway, fencing, fountain/pond, and pillars be removed from the severed parcel.
13. 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 and Building 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 dwellings respects the character of the surrounding neighbourhood in all aspects including the proposed height and the size and location of any proposed garage.
14. That a site plan be submitted to, and approved by the General Manager of Planning and Building 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 dwellings;
  - b) All trees impacted by the development, identifying trees to be retained, removed or replaced and methods to protect the trees to be retained during all phases of construction including appropriate tree protection fencing;
  - c) That the location of the new dwelling maintains a setback that is in character with the surrounding area; and
  - d) Grading, drainage and servicing information.

15. 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 and Building Services.
16. 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 endorsonation of the deeds, at the rate in effect at the time of the endorsonation.
17. 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.
18. That prior to the endorsonation of the deed, 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.
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 December 16, 2012.
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) or supplied on a compact disk."

Carried

**Application:           A-110/11**

**Owner:** Christopher and Ramiro Marquez

**Agent:** Christopher Marquez

**Location:** 27 Echo Drive

**In Attendance:** Christopher Marquez  
Norman and Joan Smith  
Anil Sheth  
John Campbell  
John Gruzleski  
Piero Ferraro

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

Mr. Arquez replied the notice sign was posted and comments were received from staff. He explained he and his brother purchased the property in 2009 and renovated the basement area to allow for rental to assist in their expenses while attending school. He advised they were not aware registration of the unit was required and when building permits were applied for the Interim Control By-law was in effect.

Chair L. McNair questioned if the unit would comply with the existing and proposed zoning requirements.

Planner R. Kostyan replied the owner plans to widen the driveway to provide for three off-street parking spaces, rendering the unit in compliance with the existing and proposed zoning regulations.

Chair L. McNair advised the Committee he met with the Manager of Planning and Building Services who advised staff are considering sending a recommendation for consideration of City Council where staff will be able to register units which will comply with existing and proposed zoning regulations.

Committee member J. Andrews advised properties such as this are in a waiting game as they will comply with the Zoning By-law when the Interim Control By-law is lifted.

Mr. Aneth who resides at 29 Echo Drive expressed concerns about the maintenance of the property and the increase in traffic on the street as a result of accessory units. He noted they share a driveway and with the stacked parking, the tenants constantly use his driveway to enter and exit the property. He expressed further concern about the tenants trespassing onto his property to their back entrance.

December 13, 2011 C of A Minutes

Planner R. Kostyan noted staff have recommended the applicant widen their driveway to accommodate the required parking.

Mr. Norman Smith, as resident of 28 Echo Drive objected to the variance requested as it will result in investors purchasing residential dwellings and adding accessory apartments.

Committee member A. Diamond questioned if the applicant could consider installing a concrete buffer along the shared driveway to discontinue the vehicles using the abutting driveway.

Chair L. McNair questioned if the applicant could consider implementing a 0.5 metre landscape strip along between the driveways.

Planner R. Kostyan advised the existing driveway is 3.87 metres wide and will be widened to a width of 5 metres to comply with By-law requirements. She advised staff would support the implementation of a landscape strip.

Mr. Marquez noted they did not realize in 2009 that a building permit was required. He advised if the Interim Control By-law was not in effect would be able to obtain 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 P. Brimblecombe seconded by D. Kelly,

“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 Interim Control By-law (2010)-19019 for 27 Echo Drive, to permit a one bedroom accessory apartment in the basement when the Interim Control By-law passed by City Council on June 7, 2010 prohibits the creation of new accessory units in R.1 and R.2 zoned portions of Ward 5 and all of Ward 6, be refused.”

The motion would 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 L. McNair and seconded by J. Andrews,

“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 Interim Control By-law (2010)-19019 for 27 Echo Drive, to permit a one bedroom accessory apartment in the basement when the Interim Control By-law passed by City Council on June 7, 2010 prohibits the creation of new accessory units in R.1 and R.2 zoned portions of Ward 5 and all of Ward 6, be approved, subject to the following conditions:

1. That the applicant be required to widen the driveway to accommodate three (3) legal off-street parking spaces, prior to the issuance of the building permit.
2. That a 0.5 metre landscaped strip be implemented between 27 and 29 Echo Drive, satisfactory to the Manager of Planning and Building Services, prior to issuance of a building permit.”

Carried.

**Application:** B-39/11 and A-115/11

**Owner:** Nicholas Hall

**Agent:** Roland Holdings Inc.

**Location:** 25 Grove Street

**In Attendance:** Marius Roland  
Tyler Harrison  
Eileen and Bill Hack  
Robin Baird Lewis  
Real and April Tesaulniers  
John Masterson

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

Mr. Mariuz replied the notice signs were posted and comments were received from staff. He explained the retained parcel requires variances from the Zoning By-law which has received staff's support. He explained the property has tremendous challenges to service the parcel however they are willing to complete the recommendations from staff.

Robin Baird Lewis, the owner of 1 Regent Street objected to the severance. She submitted pictures of the subject parcel and noted the property is covered by mature trees and lilac bushes which will be removed. She noted the soil is loose as it is located on the outcropping of a drumlin along with an intermittent stream which would render the property too difficult to construct a house on.

Committee member B. Bill Birdsell noted the concerns expressed would be reviewed by staff when the building permit was submitted.

Committee member A. Diamond questioned how the lands will be drained to meet the requirements of the Property Standards and Plumbing By-law.

Planner R. Kostyan replied the plans have not been submitted for review from staff at this time. Mr. Roland explained the design work has not commenced as he did not want to make the financial commitment until he was sure he could get the property severance.

Committee member A. Diamond expressed concern that potentially the lands may not be able to be developed.

Planner R. Kostyan noted both Planning and Engineering staff are very concerned the conditions may not be able to be satisfied.

#### Application Number B-39/11

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 seconded by J. Andrews,

“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 1, Registered Plan 227, to be known as 21 Grove Street, a parcel irregular in shape, with a frontage along Grove Street of 19 metres [(62.33 feet) measured at the setback line] and a depth of 50.29 metres (164.99 feet) and 36.24 metres (118.89 feet), to be approved, subject to the following conditions:

1. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act.
2. That any future driveway servicing the severed parcel be located on the north-easterly portion of the severed parcel, located closest to the retained parcel.
3. 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 & Building 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.

4. That a site plan be submitted to, and approved by the General Manager of Planning & Building 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;
5. 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 & Building Services;
6. 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;
7. That prior to endorsation of the deeds, the owner shall pay to the City, the watermain frontage charge of \$8.00 per foot for 65.34 feet (19.917 metres) of frontage on Grove Street.
8. That prior to endorsation of the deeds, the owner shall pay to the City, the sanitary sewer frontage charge of \$11.00 per foot of frontage for 65.34 feet (19.917 metres) of frontage on Grove Street.<sup>3</sup>
9. That the owner pays 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 necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.

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 endorsement of the deeds.
11. 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.
12. 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.
13. 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 General Manager/City Engineer being paid, prior to the issuance of a building permit.
14. That a legal off-street parking space be created on the severed lands at a minimum setback of 6-metres from the Grove Street property line.
15. That the owner shall pay for all the costs associated with the reconstruction of the stone retaining wall complete with concrete cap and steel pipe railing where it is disturbed, to the satisfaction of the General Manager/City Engineer, 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.
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 severed and retained lands, prior to the issuance of any building permits.
17. The applicant makes satisfactory arrangements with the Technical Services Department of Guelph Hydro for the servicing of the newly created lot prior to releasing the building permit. The servicing cost will be 100% chargeable to the applicant.
18. 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.

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 December 16, 2012.
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 Number A-115/11

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. Andrews,

"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 5.1.2.6 and Table 5.1.2 Row 3 and Row 4 of Zoning By-law (1995)-14864, as amended, for 25 Grove Street, to permit a lot area of 418 square metres (4,499.31 square feet) when the By-law requires a lot area of 460 square metres (4,951.39 square feet) and to permit a lot frontage of 13.283 metres (43.58 feet) when the By-law requires a minimum lot frontage of 15 metres (49.2 feet), be approved, subject to the following condition:

1. That the conditions imposed for Application B-39/11 be and form part of this approval."

Carried

**Applications:** B-10/10, B-11/10, A-12/10, A-13/10 and A-14/10

**Owner:** Curtis Wile and Katharine Phillips-Wile

**Agent:** Nancy Shoemaker

**Location:** 94 Maple Street

**In Attendance:** Nancy Shoemaker  
Patrick Kraemer  
John Campbell  
John Gruzleski  
Ken Dance  
Art Kilgour  
Bryan McPherson  
Kirk Haigh  
Lisa McTaggart  
Judy Martin  
Sue Rietschin  
Gordon Sloan  
Richard Chaloner  
Leo Medeiros  
Daphne Wainman-Wood  
David Josephy  
Roy and Lin Allingham  
Tanya Lonsdale

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

Nancy Shoemaker replied the notice sign was posted and comments were received from staff.

Patrick Kraemer interrupted Ms. Shoemaker on a point of order. He explained he represented surrounding neighbours and requested an adjournment of the application. He requested the Committee deal with his request first to comply with statutory rules.

The Committee requested information related to argument for the adjournment

Mr. Kraemer noted his clients require more time. He noted Section 45(6) of the Planning Act states the Committee shall hear from the applicant and every other person who wants to be heard. He noted an adjournment will give the opportunity to hear from 'everyone' who wants

to speak and for the Committee to have full information required to hear this application. He noted that under Section 21 of the Statutory Powers and Procedures Act the Committee can adjourn an application and Section 3 regulates the Committee. He noted the neighbours need to retain experts to challenge the comments made by experts at the Environmental Advisory Committee. He noted the issue is the size of the woodlot and the Official Plan speaks to woodlots and they plan to have expert testimony that challenges the drainage effect on the vegetation on the site. He further noted he intends to bring evidence the Committee must have with regard to Official Plan Amendment 42 which deals with the Natural Heritage Strategy. He expressed concern with when documentation was made available to neighbours surrounding the approval from the Environment Advisory Committee and more time is needed to study the reports.

Committee member P. Brimblecombe noted the cost for deferral of the application is normally born by the applicant which is not appropriate in the case. He questioned if Mr. Kraemer's clients are willing to bear this cost.

Mr. Kraemer consulted with his clients and agreed to pay the deferral fee.

Committee member B. Birdsell noted there has been appropriate notice given for the hearing of the application and felt the Committee should continue to hear the applications.

Nancy Shoemaker advised she represented the owners of the property. She noted this is not a new application as the severance processed started in 2010. She further noted the environmental information has been available since the first Environmental Advisory Committee meeting. She noted the most recent information received by the neighbours deals with the butternut trees only. She suggested the Committee continue to hear the applications.

Upon request from Committee members, Environmental Planner Jessica Mceachren explained the property has been before the Environmental Advisory Committee twice. She noted the Committee requested an Environmental Impact Statement be prepared which was completed. She challenged the comments the information was not available to neighbours as all information is posted on the website and made available in paper form.

Moved by R. Funnell and seconded by D. Kelly,

"That Applications B-10/10, B-11/10, A-12/10, A-13/10 and A-14/10 be deferred until the first available meeting in February, 2012 and the applicable deferral fee be paid by White, Duncan, Linton Law Firm."

Carried.

#### Other Business

Chair L. McNair explained he met with the Manager of Planning and Building Services and wanted to share the information received with the Committee members. He noted if

December 13, 2011 C of A Minutes

Committee members identify there is no sign visible during site inspections, they are to contact staff immediately.

He further questioned the Committee members if a procedure could be established when the decision of the Committee could be brought forward to an Ontario Municipal Board hearing when the decision does not reflect staff's position.

Thoughts expressed by the members of the Committee are that one of its strengths is that it is comprised of people talking to people and information can be heard in an informal way. It was noted the decisions of the Committee are to be 'unbiased' and if their decisions were to become a proponent at the OMB they lose their objectivity and this could result in the Committee losing their transparency to the community. Further concern was expressed if the vote on the decision is not agreed upon by all Committee members. The Committee requested the Secretary-Treasurer research this information for further discussion by the Committee at an upcoming meeting. In the interim the Committee did not agree representation was necessary at an upcoming Municipal Board hearing where the Committee's decision did not reflect the comments from staff.

The meeting adjourned at 5:20 p.m.

L. McNair  
Chair

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