

COMMITTEE OF ADJUSTMENT

APPLICATION NUMBER A-105/07

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

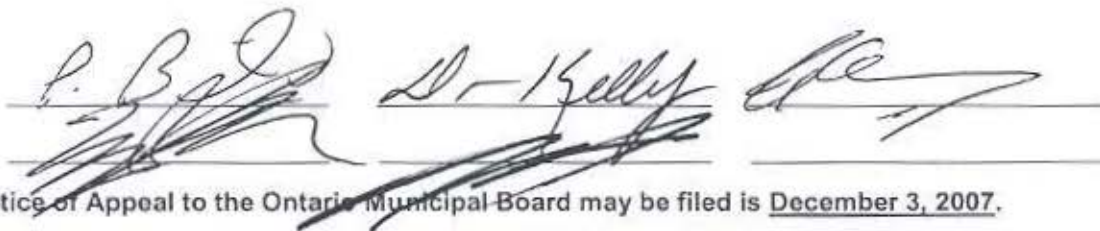
"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 6.4.3.1.10.1. of Zoning By-law (1995)-14864, as amended, for 698-700 Woolwich Street, to add a *financial establishment and vehicle establishment* as permitted uses for the property when the By-law permits various commercial uses including a car wash, vehicle gas bar, vehicle parts establishment and vehicle service station, be approved, subject to the following conditions:

1. That the owner receives approval from the City for a Site Plan under Section 41 of the Planning Act, prior to the issuance of a building permit. Furthermore, the Site Plan application shall include the findings of the Phase 1 Environmental Assessment and the owner shall develop the property in accordance with the approved Site Plan.
2. That prior to site plan approval, the owner shall have a Professional Engineer design a grading plan and storm water management system for the site, satisfactory to the City Engineer.
3. 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 Director of Community Design and Development Services. 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 storm water management system is functioning properly.
4. The developer shall pay development charges to the City in accordance with By-law Number (2004)-17361, as amended from time to time, or any successor thereof and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board as amended from time to time, or any successor by-laws thereto.
5. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage for 150-feet (45.720 metres), prior to issuance of a building permit..
6. That the owner pays the sanitary frontage charge of \$11.00 per foot of frontage for 150-feet (45.720 metres), prior to issuance of a building permit.
7. The owner shall pay to the City the estimated cost of constructing service laterals, as determined by the City Engineer, prior to site plan approval. Furthermore, the owner agrees to pay the actual cost of constructing and installing any service laterals required including any curb cuts or curb fills 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.

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8. That prior to the issuance of a building permit the owner shall investigate the noise and vibration levels on the site and determine the mitigation measures which are satisfactory to the Guelph Junction Railway and the Ministry of Environment in 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 and the Ministry of Environment for review and approval.
9. The Owner shall register on title to the lands and place the following warning clause in all agreements of purchase and sale or lease on the Lands that are within 300 metres of the railway right-of-way.
10. "Warning: Guelph Junction Railway or its assigns or successors in interest has or have a right-of-way in the future, including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuation measures in the design of individual dwelling(s). Guelph Junction Railway 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."
11. The Owner shall maintain a 15 metre building setback from Railway lands.
12. The Owner shall install and maintain a 2.0 metre high chain link fence along the shared Railway property line.
13. The Owner shall have the option of undertaking a site specific risk assessment satisfactory to the GJR to recommend modifications to Condition 10."

Members of Committee
Concurring in this Decision



The last day on which a Notice of Appeal to the Ontario Municipal Board may be filed is December 3, 2007.

I, Kim Fairfull, Secretary-Treasurer, hereby certify this to be a true copy of the decision of the Guelph Committee of Adjustment and this decision was concurred by a majority of the members who heard this application at a meeting held on November 13, 2007.

Dated: November 16, 2007

Signed:

