

DECISION

COMMITTEE OF ADJUSTMENT APPLICATION NUMBER A-92/09



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 6.4.3.2.12.1. of Zoning By-law (1995)-14864, as amended, for 561 York Road, to permit a day care centre in a 929.03 square metres (10,000 square foot) one storey building when the By-law permits a variety of services commercial uses, but not a day care centre, 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 Director of Planning and Building Development and the City Engineer; and,
2. That the Owner shall develop the property in accordance with the approved site plan, prior to the occupation of any building or portion thereof by a day care centre.
3. That the owner deeds to the City free of all encumbrances a parcel of land 4.665-metres (15.31 feet) wide, as shown in red on the applicants site plan for a road widening across the entire frontage of 561 York Road, prior to the issuance of any building permit.
4. That prior to the issuance of any building permit, the owner shall pay to the City its share of the actual cost of constructing the municipal services, roadworks, curb and gutter, concrete sidewalk and any street lighting across the frontage of the property as determined by the City Engineer. Furthermore, prior to the issuance of any building permit, the owner shall pay to the City the estimated cost of the municipal services, roadworks, curb and gutter, concrete sidewalk and any street lighting across the frontage of the property as determined by the City Engineer.
5. That the owner applies for sanitary and water laterals including curb cuts and fills, and pays the rate in effect at the time of application, prior to the issuance of any building permit.
6. 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 (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 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 the issuance of any building permit on the property, 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.
8. Prior to the issuance of any building permit on the property, the owner shall have a Professional Engineer design a grading plan and storm water management system for the site, satisfactory to 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 storm water management system was built as it was approved by the City and that it is functioning properly.

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9. The owner shall grade, develop and maintain 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.
10. That the owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the property, prior to the issuance of any building permit.
11. 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 Director of Planning and Building Development and the City Engineer; and,
12. The Owner shall develop the property in accordance with the approved site plan, including the installation of fencing and landscaping to buffer and screen the development from the adjacent railway right-of-way prior to the occupation of any building or portion thereof by a day care centre.
13. The applicant is to erect and maintain a minimum five foot high security and screening fence acceptable to the GJR along the shared property line with the railway.
14. The applicant shall insure that the placement of any buildings or structure allows Transport Canada's road / railway safety sightlines for York Road to be maintained.
15. That prior to the issuance of any building permit on the property, the owner shall enter into a Site Plan Control 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."

Members of Committee
Concurring In this Decision

I, Kimberli 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 October 13, 2009

Dated: October 16, 2009

Signed:

The last day on which a Notice
of Appeal to the Ontario
Municipal Board may be filed
is November 2, 2009.

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Building Services

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