

DECISION

COMMITTEE OF ADJUSTMENT APPLICATION NUMBER B-3/17



The Committee, having had regard to the matters under Section 51(17) 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 property and orderly development of the land, passed the following resolution:

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 Registered Plan 32, Lot 13, municipally known as 86 Arthur Street North, a parcel with frontage along Arthur Street of 4.32 metres, a depth of 38.2 metres, and an area of 165 square metres, as a lot addition to Registered Plan 32, Lot 12,

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

1. That a site plan shall be submitted to, and approved by the General Manager of Planning, Urban Design, and Building Services and the City Engineer, prior to the issuance of a building permit for the new dwelling on the retained lot indicating:
 - i. The location of the new dwelling;
 - ii. 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;
 - iii. The location of the new dwelling; and,
 - iv. Grading, drainage and servicing information.
2. That prior to the issuance of a building permit for the new dwelling on the "retained" lands, the applicant shall submit elevations for review and approval to the satisfaction of the General Manager of Planning, Urban Design and Building Services. The elevations shall demonstrate that the new dwelling is compatible with adjacent residential dwellings in respect of: the form and scale of existing residential development, existing building design and height, setbacks, landscaping, and takes into account heritage considerations.
3. That the undertaking of activities which may injure or destroy trees occur outside of the breeding bird season (approximately April 1 to July 31) or include appropriate mitigation measures to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
4. That prior to the endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title of the "retained" lands, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.
5. That prior to the endorsation of the deeds, the Tree Inventory and Preservation Plan (TIPP) that was submitted as part of this application, be approved to the satisfaction of the Manager of Parks Operations and Forestry.
6. That if it is determined that City tree removal is required during the construction of the driveway on the enlarged lot, a certified Arborist must provide this in writing to the satisfaction of the Manager of Parks Operations and Forestry prior to the endorsation of the deeds.
7. That prior to the endorsation of the deeds, the owner shall enter into an agreement, registered on title of the "enlarged" lot, that contains a condition regarding post driveway construction monitoring. A certified Arborist must provide a memo to the City, reporting the results of the tree preservation measures pertaining to the City tree. Should the City tree be destroyed or made unviable by the driveway, tree compensation per the City's Tree By-law shall be addressed at that time.

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8. That prior to the endorsonation of the deeds, the applicant shall remove the existing "shed" as shown on the "retained" lands to the satisfaction of the Chief Building Official or his designate.
9. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
10. The Owner shall pay to the City the estimated cost and the actual cost of the construction of the new driveway access, curb cut/fill including boulevard restoration, i.e. topsoil/sod, sidewalk within right-of-way, prior to endorsonation of deed.
11. Prior to issuance of building permit the Owner shall pay the estimated cost and shall pay the actual cost of constructing new service laterals, driveway access, including the cost of any curb cuts or fills required and boulevard restoration, i.e. sod/sidewalk within right-of-way.
12. 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.
13. 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 dwellings, prior to issuance of any building permits.
14. The owner shall ensure that all telephone service and cable TV service in the Lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the Lands, prior to issuance of any building permits.
15. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
16. That prior to endorsonation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the City Engineer, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
17. That upon fulfilling and complying with all of the above-noted conditions, 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.
18. 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.
19. 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.

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The Committee, having had regard to the matters under Section 51(17) 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 property and orderly development of the land, passed the following resolution:

20. 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.
21. That prior to endorsonation of the deeds, the GRCA receives and approves a permit application under Ontario Regulation 150/06 in order to ensure that there is adequate room on the retained lot to accommodate development.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets the criteria of section 51(24) of the Planning Act to which all consent applications must adhere.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

Important: Pursuant to Section 53(41) of the *Planning Act*, the applicant shall have a period of one (1) year from the giving of the Notice of Decision to fulfil all of the above noted conditions. If the applicant has not fulfilled all of the conditions within this time period, the application shall thereupon be deemed to be refused.

Deadline to fulfil conditions: ~~(January 17, 2018)~~ February 14, 2018. (TD)

Members of Committee
Concurring in this Decision

I, Dylan McMahon, Acting 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 February 9, 2017.

Dated: February 14, 2017

Signed:

Committee of Adjustment

The last day on which a Notice
of Appeal to the Ontario
Municipal Board may be filed
is **March 6, 2017**.

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