

# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number:	B-1/20 and B-2/20
Location:	98 Alice Street and 125 Huron Street
Hearing Date:	January 9, 2020
Owner:	The Roman Catholic Episcopal Corporation of the Diocese of Hamilton in Ontario and Wellington Catholic District School Board
Agent:	Nancy Shoemaker, BSR&D Ltd.
Official Plan Designation:	Downtown Secondary Plan – Residential 1 and Two-Zone Fringe Overlay
Zoning:	Educational, Spiritual, and Other Services (I.1) Zone

**Request:** The applicant proposes the following:

### **File B-1/20 – Easement (98 Alice Street)**

- a) the creation of a 19.7 square metre easement for access and maintenance in favour of 125 Huron Street (shown as part 3 on the sketch).

### **File B-2/20 – Lot addition and easements (125 Huron Street)**

- a) severance of a parcel of land with an area of 186.3 square metres (shown as parts 1 and 4 on the sketch) as a lot addition to 98 Alice Street (shown as parts 2 and 3 on the sketch). Once enlarged, 98 Alice Street will have an area of 650.3 square metres (comprising parts 1 to 4 on the sketch);
- b) the creation of a 21.7 square metres easement for access and maintenance in favour of 125 Huron Street (shown as part 4 on the sketch); and
- c) the creation of a 117.7 square metre access easement (shown as part 5 on the sketch) in favour of 98 Alice Street.

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## Staff Recommendation

### Approval with Conditions

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## **Recommended Conditions**

### **File B-1/20**

#### **Committee of Adjustment Administration**

1. That Minor Variance application A-5/20 is approved at the same time as the consent application and become final and binding.
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 issuance of the Certificate of Official.
3. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
4. That prior to the issuance of the Certificate of Official, 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 deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).
5. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

### **File B-2/20**

#### **Committee of Adjustment Administration**

1. That Minor Variance application A-6/20 is approved at the same time as the consent application and become final and binding.
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 issuance of the Certificate of Official.
3. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.

4. That prior to the issuance of the Certificate of Official, 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 deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).
  5. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.
  6. That the Owner shall consolidate the severed parcel with the abutting lands to which the severed parcel is to be added as a single parcel ("the consolidation") and that the Owner's solicitor shall provide a firm undertaking in writing to the Secretary-Treasurer of the Committee of Adjustment for the City of Guelph that the solicitor will attend to the consolidation and will provide within 30 days of the date of registration in the Land Registry Office for Wellington (No. 61), or prior to the issuance of a building permit [if applicable], whichever occurs first, a copy of the registered electronic Transfer document including the Certificate of Official and the registered application Consolidation Parcels document.
  7. That the Transferee take title of the severed lands in the same manner and capacity as he or she holds his or her abutting lands; and that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or any transaction involving the parcel of land that is subject of this consent.
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## Comments

### Planning Services

The subject properties are designated "Residential 1" with a "Two-Zone Fringe Overlay" in the Downtown Secondary Plan.

The applicant is proposing to maintain the existing church located at 98 Alice Street and school buildings located at 125 Huron Street and correct an existing error through a lot addition. The church was constructed in 1922 and an addition was constructed at a later date on the adjacent school lands. The applicant is proposing to create easements over the existing laneway between the church and school to allow for access and maintenance.

The purpose of Consent application **B-1/20 (98 Alice Street)** is the creation of a 19.7 square metre easement for access and maintenance in favour of 125 Huron Street (as shown as part 3 on the attached sketch).

The purpose of Consent application **B-2/20 (125 Huron Street)** is:

- a) Severance of a parcel of land with an area of 186.3 square metres (shown as part 1 and 4 on the attached sketch) as a lot addition to 98 Alice Street;

- b) The creation of a 21.7 square metre easement for access and maintenance in favour of 125 Huron Street (shown as part 4 of the sketch); and,
- c) The creation of a 117.7 square metre access easement (shown as part 5 on the sketch) in favour of 98 Alice Street.

Policy 10.10.1 of the Official Plan provides criteria to consider when evaluating Consent applications. Below is an evaluation of these policies as it relates to the subject applications:

1. That all of the criteria for plans of subdivision are given due consideration:

Staff have reviewed subdivision criteria of the Official Plan and are satisfied that the applications conform to the policies.

2. That the application is properly before the Committee and that a plan of subdivision has been deemed not to be necessary for the proper and orderly development of the City:

Staff have reviewed the applications and are satisfied that plan of subdivision is not necessary.

3. That the land parcels to be created by the Consent will not restrict or hinder the ultimate development of the lands:

The proposed lot addition and associated easements will recognize and correct a long standing encroachment by part of the Sacred Heart Church (owned by the Roman Catholic Episcopal Corporation of the Diocese of Hamilton) building onto the Sacred Heart School property (owned by the Wellington Catholic School Board). This proposal does not create any new buildable areas or change anything already "on the ground", and is designed to correct title issues caused by the building encroachment as well as to create related mutual maintenance easements in the space between the church building and the school building. Associated variances have been applied for to formally recognize some Zoning By-Law deficiencies.

4. That the application can be supported if it is reasonable and in the best interest of the community:

The proposed applications are considered to be appropriate and are supportable.

Staff are satisfied that the proposed applications meet the Consent policies of the Official Plan and subdivision criteria as outlined in section 51(24) of the Ontario Planning Act. Planning Staff recommend approval of the applications.

## **Engineering Services**

### **File B-1/20 – Easement (98 Alice Street):**

Engineering has no concerns with the creation of a 19.7 square metre easement for access and maintenance in favour of 125 Huron Street.

We agree with recommendations made by Planning and Building staff.

## **File B-2/20 – Lot addition and easements (125 Huron Street):**

Engineering has no concerns with the severance of a parcel of land with an area of 186.3 square metres (shown as parts 1 and 4 on the attached sketch) as a lot addition to 98 Alice Street (shown as parts 2 and 3 on the attached sketch). Once enlarged, 98 Alice Street will have an area of 650.3 square metres (comprising parts 1 to 4 on the attached sketch); the creation of a 21.7 square metres easement for access and maintenance in favour of 125 Huron Street (shown as part 4 on the attached sketch); and the creation of a 117.7 square metre access easement (shown as part 5 on the attached sketch) in favour of 98 Alice Street.

We agree with recommendations made by Planning and Building staff.

## **Building Services**

These properties are located in the Educational, Spiritual and Other Services (I.1) Zone. The applicants are proposing to maintain the existing church and school buildings and correct an existing error through a lot addition. The applicants are also proposing to create easements over the existing laneway between the church and school to allow for access and maintenance.

Building Services does not object to these applications.

## **Grand River Conservation Authority (GRCA)**

The Grand River Conservation Authority (GRCA) has no objection to the proposed consents or the minor variance applications (see attached).

## **Comments from the Public**

None

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## **Contact Information**

**Committee of Adjustment:** City Hall, 1 Carden Street, Guelph ON. N1H 3A1

519-822-1260 Extension 2524

[cofa@guelph.ca](mailto:cofa@guelph.ca)

**TTY:** 519-826-9771

[guelph.ca/cofa](http://guelph.ca/cofa)

**Facsimile:** 519-763-1269



**PLAN REVIEW REPORT TO:** City of Guelph, Committee of Adjustment  
Trista Di Lullo, Secretary- Treasurer

**DATE:** December 17, 2019

**YOUR FILE:** B-1/20 and B-2/20  
A-5/20 and A-6/20

**RE:** Applications for Consent and Applications for Minor Variance  
98 Alice Street and 125 Huron Street,  
Guelph, Ontario

**GRCA COMMENT:**

The Grand River Conservation Authority (GRCA) has no objection to the proposed consents or the minor variance applications.

**BACKGROUND:**

**1. Resource Issues:**

Information currently available at this office indicates that portions of the subject properties contain floodplain and the regulated allowance associated with this feature. A copy of our mapping is enclosed for your reference.

**2. Legislative/Policy Requirements and Implications:**

A portion of 125 Huron Street contains the Flood Fringe of the Two Zone Floodplain for the City of Guelph as well as the regulated allowance to this feature. As such the property is subject to the policies found in the City of Guelph's Zoning By-law Section 12- Floodplain Lands.

98 Alice Street contains a small portion of the regulated allowance which is associated with the flood fringe on the adjacent lands. The proposed lot addition and easement as well as the minor variances are not anticipated to have any impact on the floodplain as no additional development is being proposed at this time.

Due to the presence of the floodplain and the regulated allowance, portions of 125 Huron Street and 98 Alice Street are regulated by the GRCA under *Ontario Regulation 150/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation*. Any future development or alteration on the subject lands will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 150/06.

**3. Additional Information/Suggestions provided in an advisory capacity:**

A plan review fee is required for the processing of the consent and minor variances applications. With a copy of this letter, the applicant will be invoiced in the amount of \$410.00.

Should you have any questions or require further information, please contact the undersigned at 519-621-2763 ext. 2238.



Yours truly,

A handwritten signature in black ink, appearing to read "Ashley Rye".

Ashley Rye  
Resource Planner  
Grand River Conservation Authority

\* ***These comments are respectfully submitted to the Committee and reflect the resource concerns within the scope and mandate of the Grand River Conservation Authority.***

Encl. (1)

cc. The Roman Catholic Episcopal Corporation of the Diocese of Hamilton in Ontario,  
700 King Street West, Hamilton Ontario, L8P 1C7  
Nancy Shoemaker, Black Shoemaker, Robinson & Donaldson Limited, 257 Woodlawn  
Road West, Unit 101, Guelph, Ontario, N1H 8J1





98 Alice Street & 125 Huron  
Street, Guelph

B-1/20 B-2/20 A-5/20 A-6/20



Legend

- Regulation Limit (GRCA)
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Floodplain (GRCA)
  - Engineered
  - Estimated
  - Approximate
  - Special Policy Area
- Slope Valley (GRCA)
  - Steep
  - Oversteep
  - Steep
- Slope Erosion (GRCA)
  - Oversteep
  - Toe
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)
- Parcel - Assessment (MPAC/MNRF)

This legend is static and may not fully reflect the layers shown on the map. The text of Ontario Regulation 150/06 supercedes the mapping as represented by these layers.

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Disclaimer: This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.  
The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to: <https://maps.grandriver.ca/Sources-and-Citations.pdf>

