

**COMMITTEE OF ADJUSTMENT**  
**APPLICATION NUMBER B-3/08**

The Committee, having had regard to the matters that are to be had regard to 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 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 13, Concession 7, known as 995 Southgate Drive, a parcel with a frontage of 422.39 metres (1,385.79 feet) along Southgate Drive and an area of 13.6 hectares (33.61 acres), be approved, subject to the following conditions:

1. That prior to endorsonation of the deeds, the owner shall have an independent Professional Engineer and/or Ontario Land Surveyor prepare a reference plan identifying any easements/right-of-way and conveyances.
2. That the Southgate Drive extension including the turning circle across the lands to be retained (D); including an easement over a portion of the turning circle shall be deeded to the City, prior to endorsonation of the deeds, the City shall receive a letter from the O.L.S. preparing the plan that certifies that the layout of Southgate Drive and the turning circle conforms to the City's "Geometric Design Criteria - July 23, 1993".
3. That the owner agrees to develop and maintain the said lands and services 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 services, certify to the City that he/she supervised the construction of the services and that the services were built as they were approved by the City and is functioning properly.
4. That the owner shall make arrangements satisfactory to the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the said lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of a building permit.
5. That the owner shall make arrangements satisfactory to Bell Canada for the servicing of the said lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of a building permit.
6. That the owner shall make arrangements satisfactory to Union Gas for the servicing of the said lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of a building permit.
7. That the owner of the severed parcels (consolidated- 995 Southgate) agrees to allow temporary access across the severed parcels to facilitate the relocation of the stone dwelling known as 264 Crawley Road, to the satisfaction of the Director of Community Design and Development Services.

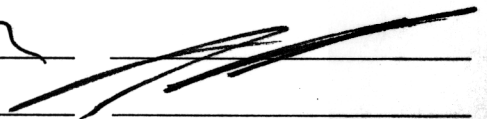
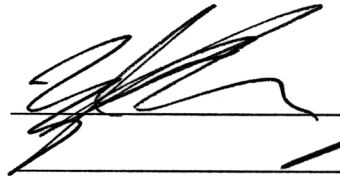
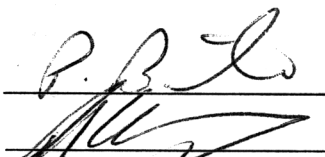


8. That when the stone dwelling is relocated, title to the lands shall be merged with the surrounding industrial lands, within 180 days of removal of the house, to the satisfaction of the Director of Community Design and Development Services.
9. The Developer shall retain the stone dwelling known municipally as 264 Crawley Road and the Developer shall maintain the building in a safe and secure condition. In the event of damage to the building, the Developer shall restore the building to a safe and secure condition with such restoration to take place forthwith after the occurrence of the damage. Furthermore, the Developer agrees to maintain property insurance for the full replacement value of the building.
10. The Developer acknowledges the Heritage Guelph, the municipal heritage committee's interest in making a recommendation to Guelph City Council to have the structure designated under the Ontario Heritage Act.
11. The Developer agrees that the stone house will be maintained in situ on the retained lot, or relocated in accordance with the preferred conservation option of the Built Heritage Resource Impact Assessment prepared by Owen Scott, dated January 23, 2007. The Developer shall prepare an updated report outlining how the structure will be relocated within the Southgate Business Park and further describe plans to promote the adaptive re-use of the house, all to the satisfaction of Heritage Guelph prior to the relocation work commencing.
12. The Developer agrees to provide semi-annual correspondence (Spring and Fall) updating Heritage Guelph on the status of development of the site and/or plans to relocate the building. Details to be provided include a review of the condition of the building, maintenance measures undertaken and planned, and confirmation of insurance.
13. That application B-4/08 be approved, deeds endorsed and lands consolidated with 995 Southgate Drive, prior to the endorsement of the deeds for application B-3/08.
14. The Developer agrees that prior to registration of the Plan of Subdivision for the south industrial lands to Maltby (23T-06503), that the house will be relocated according to plans developed in consultation with Heritage Guelph and to the satisfaction of the Director of Community Design and Development Services unless alternative arrangements, including possible retention in situ, have been developed and are to the satisfaction of the Director of Community Design and Development Services in consultation with Heritage Guelph.
15. That an agreement be registered on title for both the severed and retained parcel, prior to the endorsement of the deeds.
16. 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 25, 2009.

**COMMITTEE OF ADJUSTMENT  
APPLICATION NUMBER B-3/08**

17. 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.
18. 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.
19. 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."

**Members of Committee  
Concurring in this Decision**

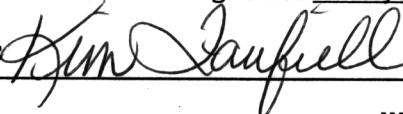


The last day on which a Notice of Appeal to the Ontario Municipal Board may be filed is **February 19, 2008**

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 **January 22, 2008**.

**Dated:** **January 29, 2008**

**Signed:**



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