

DECISION

Committee of Adjustment Application Number B-12/20

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 Part Lots 156 and 157, Registered Plan 293, currently known as 167 Alice Street, a parcel with frontage along Alice Street of 11.0 metres, a depth of 30.5 metres, and an area of 336 square metres, substantially in accordance with a sketch prepared by BSR&D Ltd. dated August 12, 2020, project number 17-14-345-00-A, be **approved**, subject to the following conditions:

1. That a plan shall be submitted to, and approved by the General Manager of Planning and Building Services, prior to the issuance of a building permit for the new dwellings on the "severed" parcels indicating the location and design of the new dwellings.
2. That prior to the issuance of a building permit, elevation and design drawings for the new dwellings on the "severed" parcels shall be submitted to, and approved by the General Manager of Planning and Building Services.
3. That prior to the issuance of a building permit, the Owner shall demonstrate to the satisfaction of the General Manager of Planning and Building Services a commitment to incorporate features into the development that will implement recommendations of the City's Community Energy Initiative (CEI) and the overall goal of becoming a net zero carbon community by 2050.
4. That prior to the issuance of the Certificate of Official, the Owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above and below noted conditions and to develop the site in accordance with the approved plans.
5. That prior to the issuance of the Certificate of Official, the Owner shall have a Professional Engineer design a stormwater management brief for the proposed development, satisfactory to the General Manager/City Engineer.
6. That prior to any construction or grading on the lands, 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.
7. That prior to the issuance of the Certificate of Official, the Owner shall have a Professional Engineer design a grading/drainage and servicing plan for the site, satisfactory to the General Manager/City Engineer.
8. That the Owner shall pay to the City the actual cost of the construction of the new driveways including the required curb cut and/ or fill and furthermore, prior to issuance of building permit or prior to any construction or grading on the lands, the Owner shall pay to the City the estimated cost for constructing the new driveways including the required curb cut and/or fill, as determined by the General Manager/City Engineer.

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9. That the Owner shall pay to the City the actual cost of constructing, installing or removal of any service laterals required and furthermore, prior to issuance of building permit or prior to any construction or grading on the lands, the Owner shall pay to the City the estimated cost of constructing, installing or removal of any service laterals, as determined by the General Manager/City Engineer.
10. That the Owner will ensure that all domestic wells, boreholes and monitoring wells installed for hydrogeological or geotechnical investigations are properly decommissioned in accordance with current Ministry of the Environment regulations (O.Reg. 903 as amended) and to the satisfaction of the General Manager/City Engineer, prior to any construction or grading on the lands.
11. That the Owner constructs the new buildings at such an elevation that the lowest level of the new buildings can be serviced with a gravity connection to the sanitary sewer.
12. That the Owner acknowledges that the City does not allow retaining walls higher than 1.0-metre abutting existing residential properties without the permission of the General Manager/ City Engineer.
13. 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.
14. That the Owner shall ensure that all telephone service and cable TV service on 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, prior to the issuance of any building permits.
15. That prior to issuance of the Certificate of Official, the Owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, covering the conditions/warning clauses noted in the council report 2020-01, dated August 10, 2020 (Attachment 9) and to develop the site in accordance with the approved plans. The Owner agrees to include the mentioned conditions/warning clauses (from Noise Study Review) on title on the retained and the future severed lands and noise measures are to be specifically identified on the approved permit drawings.
16. That prior to issuance of a building permit, the applicant makes arrangement with the ICI Department of Alectra Utilities to service the two newly created lots. The servicing costs would be at the applicant's expense.
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 issuance of the Certificate of Official.

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18. 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.
19. 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).
20. 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.

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.

AMENDED

DECISION



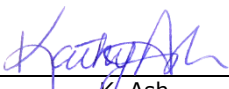
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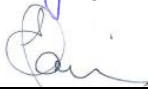
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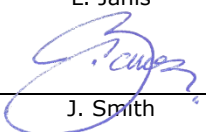
Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration 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 fulfill 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 fulfill conditions: October 14, 2021.

**Members of
the Committee
of Adjustment
concurring in
the decision:**



K. Ash



L. Janis

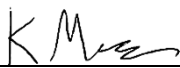

J. Smith

Absent

S. Dykstra


D. Kendrick



D. Gundrum


K. Meads

I, Trista Di Lullo, 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 hearing held on October 8, 2020.

Dated: October 14, 2020

Signed:



**The last day on which a Notice of Appeal to the Local Planning
Appeal Tribunal may be filed is November 3, 2020.**

Committee of Adjustment
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