



Committee of Adjustment Minutes

**Wednesday, November 10, 2021, 4:00 p.m.
Remote meeting live streamed on guelph.ca/live**

Members Present	K. Ash, Chair D. Kendrick, Vice Chair M. Allison S. Dykstra K. Meads J. Smith
Staff Present	J. da Silva, Council and Committee Assistant S. Daniel, Engineering Technologist T. Di Lullo, Secretary-Treasurer G. Meades, Council and Committee Coordinator P. Sheehy, Program Manager-Zoning L. Sulatycki, Planner S. Wilson, Planner

Call to Order

Chair Ash called the meeting to order. (4:01 p.m.)

Opening Remarks

Chair K. Ash explained the hearing procedures and Secretary-Treasurer T. Di Lullo conducted attendance by roll call and confirmed quorum.

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Approval of Minutes

Moved by S. Dykstra

Seconded by J. Smith

That the minutes from the October 14, 2021 Regular Hearing of the Committee of Adjustment, be approved as circulated.

Carried

Requests for Withdrawal or Deferral

There were no requests.

Current Applications

B-23/21 B-24/21 167 Alice Street

Owner: Adam Debuck and Jiyeon Oh

Agent: Deb Allen

Location: 167 Alice Street

In Attendance: N. Shoemaker, D. Allen

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. N. Shoemaker, representative for the agent, responded that the sign was posted and comments were received. She provided a brief background of the applications.

D. Allen, agent for the owners, did not provide comments on the applications.

After a brief break to allow members of the public to express interest in speaking to the application, no members of the public spoke via electronic participation.

File B-23/21 167 Alice Street

Having had regard to the matters under Section 51(24) 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 proper and orderly development of the land,

Moved by J. Smith

Seconded by M. Allison

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 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 have a Professional Engineer design a stormwater management brief for the proposed development, satisfactory to the General Manager/City Engineer.
5. 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.
6. 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.
7. That the Owner agrees to design and construct the new dwellings at such an elevation that the building's lowest level can be serviced with a gravity connection to the City's sanitary sewer. If the Owner satisfactorily demonstrates to the General Manager/City Engineer

that a below-grade gravity connection is not achievable, the building's below-grade level may be allowed to pump sewage, in accordance with the Ontario Building Code, to the property line, and have a gravity connection from the property line to the City's sanitary sewer.

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.
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 prior to the issuance of 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.
12. That prior to issuance of a building permit, the applicant makes arrangements for provisions of hydro servicing to the two severed parcels, satisfactory to the Engineering Department of Alectra Utilities. The servicing costs would be at the applicant's expense.

13. 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 noted conditions and to develop the site in accordance with the approved plans.
14. That prior to the issuance of the Certificate of Official, the existing agreement registered June 2, 2021 as Instrument No. WC635782 be released off title at the sole cost of the Owner.
15. 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.
16. 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.
17. 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).
18. 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.

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.

Carried

File B-24/21 167 Alice Street

Having had regard to the matters under Section 51(24) 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 proper and orderly development of the land,

Moved by J. Smith

Seconded by M. Allison

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 9.0 metres, a depth of 30.5 metres, and an area of 275 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 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 have a Professional Engineer design a stormwater management brief for the proposed development, satisfactory to the General Manager/City Engineer.

5. 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.
6. 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.
7. That the Owner agrees to design and construct the new dwellings at such an elevation that the building's lowest level can be serviced with a gravity connection to the City's sanitary sewer. If the Owner satisfactorily demonstrates to the General Manager/City Engineer that a below-grade gravity connection is not achievable, the building's below-grade level may be allowed to pump sewage, in accordance with the Ontario Building Code, to the property line, and have a gravity connection from the property line to the City's sanitary sewer.
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18. 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.

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.

Carried

Chair and Staff Announcements

There were no announcements.

Adjournment

Moved by K. Meads

Seconded by S. Dykstra

That this hearing of the Committee of Adjustment be adjourned. (4:25 p.m.)

Carried

K. Ash, Chair

T. Di Lullo, Secretary-Treasurer