

DECISION

Committee of Adjustment Application Number B-3/18

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 the right side of Lot 37 and Part of Lot 36, Registered Plan 127, currently known as 64 Queen Street, a parcel with frontage along Queen Street of 9.4 metres, a depth of 50.1 metres, and an area of 472 square metres, to be merged with the severed parcel created via file B-2/18 in order to create a new residential lot with frontage along Queen Street of 15 metres and an area of 732 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated December 12, 2017, project number 23892-16, be **approved**, subject to the following conditions:

1. That prior to the issuance of a building permit, a plan shall be submitted to, and approved by the General Manager of Planning and Building Services, for the new dwellings on the "severed/merged" parcel and "retained parcel #1" indicating the location 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/merged" parcel and "retained parcel #1" shall be submitted to, and approved by the General Manager of Planning and Building Services.
3. That prior to the issuance of the Certificate of Official, the Owner(s) 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.
4. That prior to the issuance of the Certificate of Official and/or prior to undertaking activities which may injure or destroy regulated trees, the applicant shall submit a Tree Inventory and Preservation Plan (TIPP) which shall be developed and carried out by an Arborist and in accordance with the Private Tree Protection By-law (2010-19058), to the satisfaction of the General Manager of Planning and Building Services. The applicant should contact the City's Landscape Planner prior to hiring an Arborist, to determine the requirements of the TIPP.
5. That prior to the issuance of the Certificate of Official, the Owner(s) agrees to enter into a development agreement for the proposed dwelling and the retained parcel, which would include but not be limited to such things as servicing condition, groundwater condition, stormwater management conditions and construction conditions.
6. That prior to the issuance of the Certificate of Official, the Owner(s) agrees to satisfy all the engineering requirements and ensures that the proposed design is in accordance with recognized best management practices, Provincial Guidelines, and the City's engineering guidelines.
7. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide to the City, to the satisfaction of the General Manager/City Engineer, the following studies, plans and reports:

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- i. Stormwater Management Report and plans certified by a Professional Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual", which addresses the quantity and quality of stormwater discharge from the Site together with a monitoring and maintenance program for the stormwater management facility to be submitted;
 - ii. Groundwater measurements and capture the seasonal high;
 - iii. Geotechnical Report;
 - iv. Grading/Servicing Plan;
 - v. Erosion and Sediment Control Plan;
 - vi. Pre-Development Plan;
 - vii. Post-Development Plan;
 - viii. Plan and Profiles and design sheets for the proposed sanitary sewer; and
 - ix. A cost estimate for the work within the City right-of-way is to be prepared by the consulting Engineer using the City's cost estimate Excel spreadsheet.
8. That prior to the issuance of the Certificate of Official, the Owner(s) agrees to obtain approval from the City's engineering department on the above-listed plans and reports.
 9. That prior to the issuance of Certificate of Official, the Owners shall provide the City with a Site Screening Questionnaire in accordance with the City environmental guidelines, to the satisfaction of the General Manager/City Engineer.
 10. That prior to the issuance of the Certificate of Official, the Owner(s) shall pay the initial estimated cost for all construction works related to the proposed sanitary sewer within the City's right of way as approved in the cost estimate to the satisfaction of the General Manager/City Engineer.
 11. That the Owner(s) agrees to pay the actual cost once the work for the proposed sanitary sewer is completed, including the restoration costs to the satisfaction of the General Manager/City Engineer.
 12. That the Owner(s) agrees to construct the proposed service laterals (sanitary/water) for the proposed lots during the construction of the sanitary sewer.
 13. That prior to the issuance of the Certificate of Official, the Owner(s) agree to pay 5 percent of the estimated cost of the works as a review fee of the overall design.
 14. That prior to the issuance of the Certificate of Official, the Owner(s) shall obtain an Environmental Compliance Approval (ECA) from the Ministry of Environment, Conservation and Parks (MECP) for the proposed sanitary sewer.

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15. That prior to the issuance of the Certificate of Official, the Owner(s) shall construct the proposed sanitary sewer along the retained and the severed lands, to the satisfaction of the General Manager/City Engineer.
16. That the Owner(s) agrees to design and construct the new dwelling 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(s) 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.
17. That prior to the issuance of the Certificate of Official, the Owner(s) agree to construct the proposed soak-away pit on the retained lands once the engineering department approves the stormwater water management report.
18. That prior to the issuance of the Certificate of Official, the Owner(s) applies to the Committee of Adjustment and obtains final approval for the proposed 3.0-metre wide easement as shown on the site plan drawing, and that proposed easement is registered on title in favour of 72 Queen Street.
19. That prior to the issuance of the Certificate of Official, the Owner(s) agree to provide a detailed design of the proposed bio-swale to the satisfaction of the General Manager/City Engineer.
20. That prior to the issuance of the Certificate of Official, the Owner(s) agree to construct the proposed bio-swale to the satisfaction of the General Manager/City Engineer. Further, certification shall be provided by the design engineer to the City once the bio-swale is constructed.
21. That prior to the issuance of the Certificate of Official, the Owner(s) applies to the Committee of Adjustment and obtains final approval for an easement for the proposed bio-swale between the new proposed dwelling and the retained parcel.
22. That the Owner(s) applies to the satisfaction of the City Solicitor for an encroachment agreement and obtains approval for the encroachment of the existing retaining wall.
23. That prior to the issuance of any building permit, the Owner(s) shall provide a lot grading plan for the severed lots to the satisfaction of the General Manager/City Engineer.
24. That prior to the issuance of any building permits on the proposed severed lands, the Owner(s) shall pay the flat rate charge established by the City for tree planting for the proposed severed lands.
25. That prior to the issuance of any building permit, the Owner(s) shall provide a stormwater management brief for the severed lots to the satisfaction of the General Manager/City Engineer.

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26. That prior to the issuance of any building permit, the Owner(s) shall construct, install and maintain erosion and sediment control facilities, as per the approved plans.
27. The Owner(s) agree to pay the actual cost of the construction of the new driveway entrances and the required curb cuts and curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
28. That prior to issuance of any building permit, the Owner(s) apply and obtain an entrance permit for the new proposed driveways on Queen Street.
29. 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.
30. 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.
31. 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).
32. 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.
33. That the Owner(s) 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.
34. 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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35. That consent application B-2/18 receives final certification of the Secretary-Treasurer and be registered on title.
36. That prior to issuance of a building permit, the applicant makes arrangement for provision of hydro servicing to the severed parcel, satisfactory to the ICI & Layouts Department of Alectra Utilities. The servicing costs would be at the applicant's expense. This condition is included to ensure adequate arrangements have been made to service the severed parcel and appropriate financial securities are in place.

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.

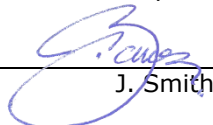
Important: Pursuant to Section 53(41) of the Planning Act, the applicant shall have a period of one (1) year from the giving of the Notice of Decision to fulfill all of the above noted conditions. If the applicant has not fulfilled all of the conditions within this time period, the application shall thereupon be deemed to be refused. Deadline to fulfill conditions: June 15, 2022.

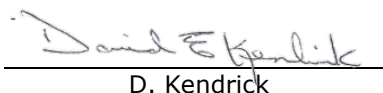
**Members of
the Committee
of Adjustment
concurring in
the decision:**

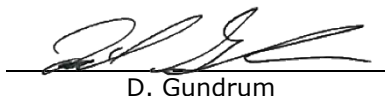

K. Ash

Absent

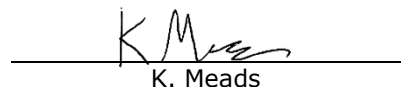
S. Dykstra


J. Smith


D. Kendrick


D. Gundrum


M. Allison


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 June 10, 2021.

Dated: June 15, 2021

Signed:



The last day on which a Notice of Appeal to the Ontario Land Tribunal may be filed is July 5, 2021.

Committee of Adjustment
T 519-822-1260 x2524
E cofa@guelph.ca
guelph.ca/cofa