

# Committee of Adjustment Comments from Staff, Public and Agencies

---



## Application Details

Application Number: B-6/23 and B-7/23  
Location: 64 and 68 Queen Street  
Hearing Date: May 11, 2023  
Owner: Charleston Homes Ltd.  
Agent: Jamie Laws, Van Harten Surveying Inc.  
Official Plan Designation: Low Density Residential  
Zoning Designation (1995)-14864: Residential Single Detached (R.1B)  
Zoning Designation (2023)-20790: Low Density Residential 1 (RL.1) Zone

**Request:** The applicant is requesting permission to:

### File B-6/23 – Proposed Easement 1

Creation of an easement with a width of 3 metres and an area of 109 square metres over a portion of the retained parcel (68 Queen Street) for sanitary servicing, in favour of the adjacent property at 72 Queen Street.

### File B-7/23 – Proposed Easement 2

Creation of an easement with a width of 3 metres and an area of 19 square metres over a portion of the severed parcel (64 Queen Street) for sanitary servicing, in favour of the adjacent property at a 72 Queen Street.

---

## Staff Recommendation

### Approval with Conditions

---

### Recommended Conditions

#### File B-6/23 (Easement 1)

#### Planning Services

1. That prior to issuance of the Certificate of Official or prior to undertaking activities which may injure or destroy regulated trees (whichever occurs first), the applicant shall prepare and submit a Tree Inventory and Preservation Plan (TIPP) as per the requirements of the City's Tree Technical

Manual for approval to the General Manager of Planning and Building Services.

### **Committee of Adjustment Administration**

2. That consent application file B-7/23 receives final certification of the Secretary-Treasurer and be registered on title.
3. 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.
4. 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.
5. 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@quelfh.ca](mailto:cofa@quelfh.ca)).
6. 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-7/23 (Easement 2)**

#### **Planning Services**

1. That prior to issuance of the Certificate of Official or prior to undertaking activities which may injure or destroy regulated trees (whichever occurs first), the applicant shall prepare and submit a Tree Inventory and Preservation Plan (TIPP) as per the requirements of the City's Tree Technical Manual for approval to the General Manager of Planning and Building Services.

### **Committee of Adjustment Administration**

2. That consent application file B-6/23 receives final certification of the Secretary-Treasurer and be registered on title.
3. 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.

4. 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.
  5. 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@quelfh.ca](mailto:cofa@quelfh.ca)).
  6. 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.
- 

## Comments

### Planning Services

The subject lands are designated as "Low Density Residential" in the Official Plan. The subject lands are zoned "Residential Single Detached" (R.1B) according to Bylaw (1995)-14864, as amended, and are zoned "Low Density Residential" (RL.1) in the Comprehensive Zoning By-law passed by Council on April 18, 2023.

The applicant is proposing to establish an easement for servicing over part of 64 and 68 Queen Street, in favour of the adjacent property at 72 Queen Street. The easements are conditions of approval for previous consent applications on the subject lands relating to the creation of a new residential lot with two retained lots approved in June 2021.

Policy 10.10.1.2 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:

**i. That all of the criteria for plans of subdivision or condominium are given due consideration.**

Staff have reviewed the criteria for plans of subdivision and are satisfied that the consent applications conform to the policies.

**ii. 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 Municipality.**

A plan of subdivision is not necessary for the proposed easement.

**iii. That the land parcels to be created by the consent will not restrict or hinder the ultimate development of the lands.**

These consent applications are for the creation of an easement required as a condition of a previously approved severance application. The applications will facilitate ultimate development of the lands.

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

The applications are considered to be reasonable and are supportable.

The site is over 0.2 hectares in size and is therefore regulated under the City's Private Tree By-law. In accordance with the City's Urban Forest Management Plan and City Urban Forest Policies within the Official Plan, the development should seek opportunities to retain existing trees. A Tree Inventory and Preservation Plan, undertaken by a qualified arborist, in accordance with the requirements of the City's Tree Technical Manual is required. Please be aware that where preservation is not possible, as agreed to by the City, compensation is required either in the form of Cash in lieu or Replacement Trees, or a combination of the two at the discretion of City staff. Cash in Lieu rates are set out in the Private Tree Bylaw, while Replacement Tree rates are set out in the Tree Technical Manual (TTM).

Staff are satisfied that the applications meet the Consent policies of the Official Plan and the criteria set out in Section 51(24) of the Planning Act. Planning staff recommend approval of the applications.

## **Engineering Services**

Engineering has no concerns with the consent applications. Please note that it will be the applicant's responsibility to construct the servicing connection for the adjacent landowner.

## **Building Services**

The subject property is in the Residential Single Detached (R.1B) Zone under Zoning Bylaw (1995) – 14864, as amended and is in the RL.1 Zone under Zoning By-law (2023)-20790, both which permit a single detached dwelling.

Building Services has no objection to the proposed easements.

## **Comments from the Public**

None

---

## **Contact Information**

### **Committee of Adjustment:**

City Hall, 1 Carden Street,

Guelph ON N1H 3A1

519-822-1260 Extension 2524

TTY: 519-826-9771

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

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