

DECISION

COMMITTEE OF ADJUSTMENT

APPLICATION NUMBER B-19/08



Making a Difference

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 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Part of Lot 4, Registered Plan 29, to be known municipally as 239 Liverpool Street, a parcel with a frontage along Liverpool Street of 12.17 metres (39.92 feet) and a depth of 32.106 metres (105.33 feet), be approved, subject to the following conditions:

1. That the applicant pays the watermain frontage charge of \$8.00 per foot of frontage for 39.92-foot (12.17 metres), prior to endorstation of the deeds.
2. That the applicant pays the sanitary sewer frontage charge of \$11.00 per foot of frontage for 39.92-foot (12.17 metres), prior to endorstation of the deeds.
3. That the owner pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2004)-17361, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to the issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
4. The owner applies for sanitary and water laterals and pays the rate in effect at the time of application including the cost of any curb cuts or fills required, prior to the issuance of a building permit.
5. That the owner shall apply to the City Solicitor for an encroachment agreement and obtains approval for the encroachment of a portion of the existing roofed porch, concrete columns and wood posts, wood steps and roof eaves, prior to endorstation of the deeds.
6. That the owner enters into a Storm Sewer Agreement, as established by the City, providing for a grading and drainage plan, registered on title, prior to endorstation of the deeds.
7. That the owner constructs the new dwelling at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
8. That the owner shall pay for the actual cost of the construction of the new driveway entrance and the required curb cuts and fills, with the estimated cost of the works, as determined necessary by the City Engineer being paid, prior to the issuance of a building permit. Furthermore, the owner agrees to pay for the actual cost of the construction of the new driveway entrance and the required curb cuts and fills and pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.

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9. That the owner shall pay all of the costs associated with the removal of the existing hedge from the road allowance and driveway sight line triangles, prior to endorstation of the deeds.
10. That prior to the issuance of a building permit, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
11. That the owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the new dwelling, prior to the issuance of a building permit.
12. That the elevation and design for the new dwelling on the severed parcel be consistent with the sketches provided by staff and the requirement of the Committee for a front roofed porch, a maximum building height of 9 metres (measured to the mid point of the sloped portion of the roof) and driveway location on the west side of the lot (pending results of the tree study) and be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwelling.
13. That a site plan be prepared for the severed parcel indicating:
 - a) The location and design of the new dwelling indicating a setback consistent with the average setback of the adjacent properties;
 - b) A building design incorporating a front roofed porch;
 - c) A maximum building height of 9 metres (measured to the mid point of the sloped portion of the roof);
 - d) The location and extent of driveway and legal off-street parking space for the new dwelling with a preferred driveway location on the west side of the lot (pending results of the tree study), and,
 - e) Grading, drainage and servicing information as required by the City Engineer.All of the above to be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwelling.
14. That the applicant shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorstation of the deeds, at the rate in effect at the time of the endorstation.
15. That a tree inventory and tree saving plan is submitted to and satisfactory to the Director of Community Design and Development Services, prior to the removal of any trees on the severed and retained lots and prior to the issuance of the building permit for the new dwelling.
16. That prior to issuance of a building permit, the applicants make arrangements for provision of hydro servicing to the severed parcel, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.

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17. That prior to endorsement of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the City Engineer and the Director of Community Design and Development Services, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
18. 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 prior to June 13, 2009.
19. 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.
20. 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.
21. 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

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 June 10, 2008.

Dated: June 13, 2008

Signed:

The last day on which a Notice
of Appeal to the Ontario
Municipal Board may be filed
is July 3, 2008.

Community Design and Development Services
Building Services

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