

DECISION

Committee of Adjustment Application Number B-14/22

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 Lot 9, Registered Plan 475, currently known as 486 College Avenue West, a parcel with frontage along College Avenue West of 15.2 metres, a depth of 45.7 metres, and an area of 696 square metres, substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated July 12, 2022, project number 31285-20, 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 dwelling on the "severed" parcel indicating the location and design of the new dwelling.
2. That prior to the issuance of a building permit, elevation and design drawings for the new dwelling on the "severed" parcel 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 existing dwelling and garage on the site shall be removed to the satisfaction of the Chief Building Official.
4. That prior to the issuance of a building permit, the applicant shall prepare and submit a Tree Inventory and Preservation Plan (TIPP) for City boundary trees to the satisfaction of the General Manager of Parks. The applicant should contact Forestry staff to confirm requirements prior to preparing the TIPP.
5. 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.
6. 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:
 - a. a stormwater management report (Brief) 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;
 - b. Grading / Servicing Plan;
 - c. Erosion & Sediment Control Plan ;
 - d. Site Screening Questionnaire in accordance with the City's environmental guidelines;
 - e. A composite utility plan (within right-of-way frontage) showing all utilities and proposed servicing to the site will be required for formal submission;

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- f. 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.
7. 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.
8. That prior to issuance of any building permit 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.
9. That prior to the issuance of building permit, the Owner(s) shall pay the initial estimated cost for all construction works within the City's right of way as approved in the cost estimate to the satisfaction of the General Manager/City Engineer.
10. That the Owner(s) agree to pay the actual cost once the work for the proposed works within the Right of Way are completed, including the restoration costs to the satisfaction of the General Manager/City Engineer.
11. That prior to the issuance of building permit, the Owner(s) shall construct and service the proposed severed/retained parcels with water/sanitary service to the satisfaction of the General Manager/City Engineer.
12. 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.
13. That prior to the issuance of a building permit, provide a stormwater management brief new proposed development.
14. That prior to the issuance of a building permit, provide a lot grading plan for the new proposed dwellings.
15. That prior to issuance of a building permit, the owner(s) shall apply and obtain an entrance permit for the proposed driveways.
16. That the Owner(s) agree to pay the actual cost of construction of the new driveway entrances and the required curb cut 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.
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.

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Reasons:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets all four tests under Section 45(1) of the Planning Act.

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 two (2) years 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: August 17, 2024.

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

DocuSigned by:
[Redacted Signature]

D. Kendrick

DocuSigned by:
[Redacted Signature]

J. Smith

ABSENT

M. Allison

ABSENT

S. Dvkstra

DocuSigned by:
[Redacted Signature]

K. Hamilton

DocuSigned by:
[Redacted Signature]

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 August 11, 2022.

Dated: August 17, 2022

Signed:

[Redacted Signature]

The last day on which a Notice of Appeal to the Ontario Land Tribunal may be filed is September 5, 2022.

Committee of Adjustment
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