

DECISION

COMMITTEE OF ADJUSTMENT APPLICATION NUMBER B-11/10



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 28, Registered Plan 39, Maple Street, a parcel with a frontage along Maple Street of 26.38 metres (86.54 feet) and a depth of 30.48 metres (100 feet), be approved, subject to the following conditions:

1. That prior to endorstation of the deeds, the owner shall pay to the City, the watermain frontage charge of \$8.00 per foot for 176.38 feet (53.76 metres) of frontage on Maple Street.
2. 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 (2009)-18729, 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 issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
3. That prior to endorstation of the deeds, the owner shall determine the actual location of the 600mm storm trunk sewer across part of lot 27 and lot 28, Registered Plan 39 and have an Ontario Land Surveyor prepare a reference plan showing the actual location of the 600mm storm trunk sewer and be responsible for the entire costs associated with the preparation and registration of the reference plan.
4. That prior to endorstation of the deeds, the owner grants a 6.00-metre (19.69 feet) wide easement over the lands to be severed (Proposed Parts 1 and 2) and over part of the retained lands (Proposed Part 3) for the existing 600mm (24") storm trunk sewer over part of lot 27 and lot 28, Registered Plan 39, registered on title, in favour of the City of Guelph.
5. That prior to endorstation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the easement.
6. That prior to endorstation of the deeds, the owner's solicitor certifies that the easement in favour of the City of Guelph, over part of lot 27 and lot 28, Registered Plan 39, has been granted and registered on title.
7. Prior to the issuance of a building permit on the lands, the owner shall have a Professional Engineer design a grading plan and storm water management system for the said lands, satisfactory to the General Manager/City Engineer.
8. That the owner grades, develops and maintains the site including the storm water management system designed by a Professional Engineer, in accordance with the Site Plan and Grading and Drainage Plan that have been submitted to and approved by the General Manager/City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the stormwater management system was built as it was approved by the City and that it is functioning properly.

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9. That prior to endorsation of the deeds, the owner shall have the professional engineer provide verification to the City that the existing storm pipe can withstand the earth loads when the proposed fill is placed on top of the pipe.
10. That prior to endorsation of the deeds, the owner shall have a qualified geotechnical engineer prepare a geotechnical report satisfactory to the General Manager of Planning and Building and to the General Manager/City Engineer ensuring that the proposed fill area slopes will be stable and that no adverse environmental effects will result.
11. That prior to endorsation of the deeds, the owner shall submit the geotechnical report to the Grand River Conservation Authority for comment.
12. That the owner pays the actual cost of constructing new service laterals to the proposed severed lands including the cost of any curb cuts or fills required, 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.
13. That the owner relocates the existing service laterals to the existing house onto the lands being retained, satisfactory to the Plumbing Inspector, prior to endorsation of the deeds.
14. That the owner pays the actual cost of constructing new service laterals to the proposed retained lands including the cost of any curb cuts or fills required, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to endorsation of the deeds.
15. That the owner pays the actual cost of the construction of the new driveway entrances and the required curb cuts, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
16. 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.
17. That prior to the issuance of any building permits on the said lands, 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.
18. That a legal off-street parking space be created on the severed lands (Proposed Parts 1 and 2) at a minimum setback of 6-metres from the Maple Street property line.
19. That the owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed severed and retained lands, prior to the issuance of any building permits.
20. That prior to issuance of a building permit, the applicant makes arrangement for provision of underground hydro servicing to the two severed parcels, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. The servicing costs would be at the owner's expense.

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21. That a Woodland Management Plan/Compensation Plan be submitted and approved by City Staff prior to issuance of building permit for the two severed properties. The plan must include the following:
 - a) Details on the exact number of trees to be removed and based on that, the number of trees proposed for compensation;
 - b) Examination of the feasibility of transplanting any smaller caliper trees;
 - c) The proposed new plantings on site are identified as being native species. The Plan should outline how the proposed plantings will reflect continuity with the surrounding remaining woodlot;
 - d) Tree Protection Zone signage be installed on the fencing (see City Specifications) identifying the TPZ as being a no touch zone;
 - e) All tree protection fencing will need to be inspected prior to work commencing on site;
 - f) Compensation for trees unable to fit on the property will be addressed through cash-in-lieu payable to the City for future City plantings.
22. That the monitoring section (section 10.0) of the Environmental Impact Study includes specific monitoring of the butternut located on the subject property. This can also be addressed in the Woodland Management Plan.
23. That no vegetation removal is to take place during breeding bird season (May-July) as per the Migratory Bird Act (1994).
24. That the recommendations made in Section 11 of the Environmental Impact Study be carried out.
25. That the elevation and design drawings for the new dwellings on the severed parcel be submitted to, and approved by the General Manager of Planning & Building Services, prior to the issuance of a building permit for the new dwellings in order for staff to ensure that the design of the new dwellings respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage.
26. That a site plan be submitted to, and approved by the General Manager of Planning & Building Services and the City Engineer, prior to the issuance of a building permit for the new dwellings on the severed parcels indicating:
 - a) The location and design of the new dwellings;
 - b) All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
 - c) The location of the new dwellings with a setback that is in character with the surrounding area;
 - d) Grading, drainage and servicing information;
27. That prior to the issuance of a building permit for the severed parcels, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning & Building Services;

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28. That prior to the endorsement of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy and implement the above-noted conditions and to develop the site in accordance with the approved plans, all to the satisfaction of the General Manager of Planning and Building Services, City Solicitor and General Manager/City Engineer.
29. 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 February 6, 2013.
30. 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.
31. 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.
32. 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 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Members of Committee
Concurring in this Decision

I, Kimberli 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 February 7, 2012.

Dated: February 9, 2012

Signed:

Committee of Adjustment

The last day on which a Notice
of Appeal to the Ontario
Municipal Board may be filed
is February 29, 2012.

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