

# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Numbers: B-12/20 and B-13/20  
Location: 167 Alice Street  
Hearing Date: October 8, 2020  
Owner: Adam Debuck and Jiyeon Oh  
Agent: Nancy Shoemaker, BSR&D Ltd  
Official Plan Designation: Mixed Office/Commercial  
Zoning: Residential Single Detached with Holding provisions (R.1D(H)) Zone

**Request:** The applicant proposes the following:

### File B-12/20 – Proposed Part 1

Severance of a parcel of land to create a new lot with frontage along Alice Street of 11 metres, a depth of 30.5 metres, and an area of 336 square metres.

### File B-13/20 – Proposed Part 2

Severance of a parcel of land to create a new lot with frontage along Alice Street of 9 metres, a depth of 30.5 metres, and an area of 275 square metres.

The retained parcel is proposed to have frontage along Alice Street of 21.03 metres and an area of 641 square metres.

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## Staff Recommendation

### Approval with Conditions

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## Recommended Conditions

### Files B-12/20 and B-13/20

#### Planning Services

1. That a plan shall be submitted to, and approved by the General Manager of Planning and Building Services, prior to the issuance of a building permit for the new dwellings on the "severed" parcels indicating the location and design 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" parcels shall be submitted to, and approved by the General Manager of Planning and Building Services.
3. That prior to the issuance of a building permit, the Owner shall demonstrate to the satisfaction of the General Manager of Planning and Building Services a commitment to incorporate features into the development that will implement recommendations of the City's Community Energy Initiative (CEI) and the overall goal of becoming a net zero carbon community by 2050.
4. That prior to the issuance of the Certificate of Official, the Owner 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.

### **Engineering Services**

5. Prior to the issuance of the Certificate of Official, the Owner shall have a Professional Engineer design a stormwater management brief for the proposed development, satisfactory to the General Manager/City Engineer.
6. Prior to any construction 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.
7. Prior to the issuance of the Certificate of Official, the Owner shall have a Professional Engineer design a grading/drainage and servicing plan for the site, satisfactory to the General Manager/City Engineer.
8. The Owner shall pay to the City the actual cost of the construction of the new driveways including the required curb cut and/ or fill and furthermore, prior to issuance of building permit or prior to any construction or grading on the lands, the Owner shall pay to the City the estimated cost for constructing the new driveways including the required curb cut and/or fill, as determined by the General Manager/City Engineer.
9. The Owner shall pay to the City the actual cost of constructing, installing or removal of any service laterals required and furthermore, prior to issuance of building permit or prior to any construction or grading on the lands, the Owner shall pay to the City the estimated cost of constructing, installing or removal of any service laterals, as determined by the General Manager/City Engineer.
10. The Owner will ensure that all domestic wells, boreholes and monitoring wells installed for hydrogeological or geotechnical investigations are properly decommissioned in accordance with current Ministry of the Environment regulations (O.Reg. 903 as amended) and to the satisfaction of the General Manager/City Engineer, prior to any construction or grading on the lands.
11. That the Owner constructs the new buildings at such an elevation that the lowest level of the new buildings can be serviced with a gravity connection to the sanitary sewer.

12. The Owner acknowledges that the City does not allow retaining walls higher than 1.0-metre abutting existing residential properties without the permission of the General Manager/ City Engineer.
13. That the Owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
14. The Owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.
15. Prior to issuance of the Certificate of Official, the Owner shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, covering the conditions/warning clauses noted in the council report 2020-01, dated August 10, 2020 (Attachment 9) and to develop the site in accordance with the approved plans. The Owner agrees to include the mentioned conditions/warning clauses (from Noise Study Review) on title on the retained and the future severed lands and noise measures are to be specifically identified on the approved permit drawings.

#### **Alectra Utilities**

16. That prior to issuance of a building permit, the applicant makes arrangement with the ICI Department of Alectra Utilities to service the two newly created lots. The servicing costs would be at the applicant's expense.

#### **Committee of Adjustment Administration**

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.
  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@quelp.ca](mailto:cofa@quelp.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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## Comments

### Planning Services

The subject property is designated "Mixed Office/Commercial" in the Official Plan. This land use designation allows for a variety of freestanding small-scale commercial, office, residential or mixed-use buildings including single detached dwellings. The subject property contains one existing single detached dwelling. A Zoning By-law Amendment (OZS19-006) was approved by Council on August 10, 2020 to change the zoning on the subject lands from the "Specialized Industrial" (B.4-1) Zone to the "Residential Single Detached with Holding provisions" (R.1D(H)) Zone. The Holding provision relates to the requirement for a remediation and/or risk assessment and Reliance Letter. The proposed Consent applications will result in the creation of two new residential lots and one retained parcel.

Policy 10.10.1 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 application:

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

Staff have reviewed subdivision criteria of the Official Plan and are satisfied that the 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 City.**

A plan of subdivision is not necessary for creation of two new residential lots on an existing public road.

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

The proposed severances do not restrict or hinder the ultimate development of the lands. The Consent applications represent a logical and compatible layout of lots that are appropriate to accommodate new single detached dwellings.

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

The proposed severances are considered to be reasonable and in the best interest of the community.

The subject property is less than 0.2 hectares in size and therefore not regulated by the Private Tree By-law. That said, City owned boulevard trees along Alice Street were noted and consistent with the Official Plan, trees and shrubs within the City's right-of-way need to be appropriately considered and protected during any type of construction/works within the dripline. This is especially important for applications which contemplate changes to the City right-of-way (location of driveways,

servicing, etc.). Protection of City trees must be optimized as injury or destroying a City tree may not be granted by the City. Any proposal to injure or destroy a tree must be accompanied by a Tree Inventory and Preservation Plan, (refer to the City's Tree Technical Manual for more information), to the satisfaction of the Manager of Parks Operations and Forestry.

The proposed "retained" and "severed" parcels are in compliance with the recently amended zoning. Staff are satisfied that the proposed severances meet the Consent policies of the Official Plan and subdivision criteria as outlined in section 51(24) of the Ontario Planning Act.

Staff recommend approval of the applications subject to the conditions noted above.

### **Open Space Planning**

After review of the Committee of Adjustment consent applications to create two (2) new residential lots at 167 Alice Street, file numbers B-12/20 and B-13/20, Open Space Planning have determined that the applicant shall be responsible for a payment in lieu of conveyance of parkland for both lots prior to the issuance of any building permits under the City of Guelph's Parkland Dedication Bylaw (2019)-20366 as amended by (2019)-20380 or any successor thereof.

### **Engineering Services**

The applicant is proposing to sever the property and create two new residential lots with one retained lot, which currently contains a detached dwelling. Engineering completed the review on the subject property under the zoning by-law amendment application file (OZS19-006), as per the attached council report 2020-01, dated August 10, 2020 (Attachment 9). Engineering has no concerns with the applications, subject to the conditions noted above.

### **Building Services**

This property is located in the Residential Single Detached (R.1D(H)) Zone. The applicant is proposing to sever the property and create two new residential lots with one retained lot, which currently contains a detached dwelling.

Building Services does not object to either of these applications.

### **Alectra Utilities**

Alectra Utilities is in support of the applications subject to the condition noted above (see attached).

### **Comments from the Public**

None

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## **Contact Information**

**Committee of Adjustment:** City Hall, 1 Carden Street, Guelph ON N1H 3A1

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