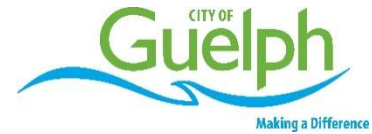


Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: B-1/21
Location: 42 and 46-48 Nottingham Street
Hearing Date: February 11, 2021
Owner: Domenico Romeo
Agent: Nancy Shoemaker, BSR&D Limited
Official Plan Designation: Downtown Secondary Plan – Residential 1
Zoning: Residential Single Detached (R.1B) Zone

Request: The applicant proposes to sever a parcel of land (46-48 Nottingham Street) to create a lot with frontage along Nottingham Street of 19.25 metres and an area of 562 square metres. The retained parcel (42 Nottingham Street) will have frontage along Nottingham Street of 8.76 metres and an area of 295 square metres.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Committee of Adjustment Administration

1. 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.
2. 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.
3. 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).

4. 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 lands are designated as "Residential 1" in the Downtown Secondary Plan. The subject lands are zoned "Residential Single Detached" (R.1B) according to By-law (1995)-14864, as amended.

The applicant is proposing to re-establish the original lot lines. The abutting properties known as 42 Nottingham Street and 46-48 Nottingham Street formerly existed as separated properties and have merged under one title due to common ownership. No new construction is proposed through this application. The applicant has submitted old surveys to confirm previous property lines and no changes are proposed to these previous property lines. Associated variance applications are therefore not required since the applicant is simply re-instating property lines.

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 application:

- a) **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 application conforms to the policies.

- b) **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 technical severance.

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

The proposed severance is technical in nature. The purpose of the application is to correct the merging of the title of the two properties. No new construction is proposed as a result of the severance.

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

The application is considered to be reasonable and is supportable.

Staff are satisfied that the application meets 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 application and are not recommending any conditions as the “retained” and “severed” parcels are already developed and no new construction is proposed.

Engineering Services

The applicant proposes to sever a parcel of land (46-48 Nottingham Street) to create a lot with frontage along Nottingham Street of 19.25 metres and an area of 562 square metres. The retained parcel (42 Nottingham Street) will have frontage along Nottingham Street of 8.76 metres and an area of 295 square metres. Engineering has no concerns with the requested severance.

We agree with recommendations made by the Planning and Building staff.

Building Services

These properties are located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to re-establish the original lot lines.

Building Services does not object to this application to sever a parcel of land (46-48 Nottingham Street) to create a lot with frontage along Nottingham Street of 19.25 metres and an area of 562 square metres.

Comments from the Public

None

Contact Information

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