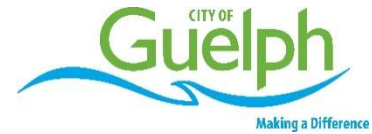


Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: B-3/21 and B-4/21
Location: 29, 31 and 33 College Avenue West
Hearing Date: February 11, 2021
Owner: Domenico Romeo
Agent: Nancy Shoemaker, BSR&D Limited
Official Plan Designation: Low Density Residential
Zoning: Residential Single Detached (R.1B) Zone

Request: The applicant proposes the following as shown on the attached plan:

File B-3/21 – Proposed Parts 3 and 4 (31 College Avenue West)

- a) Severance of a parcel of land (Parts 3 and 4) to create a lot with frontage along College Avenue West of 10.36 metres, a depth of 40.77 metres, and an area of 430 square metres.
- b) Creation of a 20 square metre easement (Part 3) over a portion of the right side of 31 College Avenue West for access over a shared driveway in favour of 29 College Avenue West.

File B-4/21 – Proposed Parts 1 and 2 (29 College Avenue West)

- a) Severance of a parcel of land (Parts 1 and 2) to create a lot with frontage along College Avenue West of 10.36 metres, a depth of 40.77 metres, and an area of 422.5 square metres.
- b) Creation of a 40.6 square metre easement (Part 2) over a portion of the left side of 29 College Avenue West for access over a shared driveway in favour of 31 College Avenue West.

The retained parcel (33 College Avenue West, labelled as proposed part 5) is proposed to have frontage along College Avenue West of 16.83 metres, a depth of 35.63 metres, and an area of 598.6 square metres.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Files B-3/21 and B-4/21

Engineering Services

1. That prior to issuance of the Certificate of Official, the owner(s) shall deed a 1.9 metre wide road widening on College Avenue West along the severed and the retained parcel at no cost to the City, free of all encumbrances and no risk to public health and safety, to the satisfaction of the City Engineer/General Manager and City Solicitor.

Committee of Adjustment Administration

2. 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.
 3. 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.
 4. 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).
 5. 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 "Low Density Residential" in the Official 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 and shared driveway. The abutting properties known as 29 College Avenue West, 31 College Avenue West and 33 College Avenue West formerly existed as separated properties and have merged under one title due to common ownership. The applicant has submitted old surveys to confirm previous property lines and no changes are proposed to these previous property lines. The applicant is proposing to maintain the existing buildings on the "severed" parcels (29 College Avenue West and 31 College Avenue

West) and a detached dwelling is proposed for the "retained" parcel (33 College Avenue West).

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 severances.

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

The proposed severances are technical in nature. The purpose of the application is to correct the merging of the title of the three properties. The applicant is proposing to maintain the existing buildings on the "severed" parcels (29 College Avenue West and 31 College Avenue West) and a detached dwelling is proposed for the vacant "retained" parcel (33 College Avenue West).

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

The applications are considered to be reasonable and are supportable.

Staff are satisfied that the applications meet 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 applications and are not recommending any conditions as the "severed" parcels are already developed and no new construction is proposed. Although, the "retained" parcel is vacant, staff are not recommending any conditions for the vacant parcel due to the technical nature of the application.

For the applicant's information, 33 College Avenue West is less than 0.2 hectares in size and therefore is not regulated by the Private Tree Bylaw. However, there appears to be a boundary tree (Crab Apple) fronting the subject property and appropriate measures to protect it during any type of future construction/works close to the tree should follow the City's Tree Technical Manual. Protection of boundary trees must be optimized as injury or destroying a boundary tree may not be supported by the City. Any proposal to injure or destroy a boundary tree must be in consultation with Forestry Services.

Engineering Services

B-3/21 31 College Avenue West

The applicant proposes the following as shown on the attached plan, severance of a parcel of land (Parts 3 and 4) to create a lot with frontage along College Avenue West of 10.36 metres, a depth of 40.77 metres, and an area of 430 square metres and creation of a 20 square metre easement (Part 3) over a portion of the right side of 31 College Avenue West for access over a shared driveway in favour of 29 College Avenue West.

College Avenue West abutting the subject property is designated as a two (2) lane local road with grass boulevard on both sides, asphalt pavement, curb and gutter and concrete sidewalk on both sides of the street. The ultimate right-of-way width of College Avenue West abutting the property is 30.00 metres as per the City's Official Plan. The current right-of-way abutting the property is 26.213 metres; as such, a road widening of 1.9 metres will be required.

Engineering has no concerns with the consent application subject to the condition noted above.

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

B-4/21 29 College Avenue West

The applicant proposes the following, severance of a parcel of land (Parts 1 and 2) to create a lot with frontage along College Avenue West of 10.36 metres, a depth of 40.77 metres, and an area of 422.5 square metres and creation of a 40.6 square metre easement (Part 2) over a portion of the left side of 29 College Avenue West for access over a shared driveway in favour of 31 College Avenue West.

The retained parcel (33 College Avenue West, labelled as proposed part 5) is proposed to have frontage along College Avenue West of 16.83 metres, a depth of 35.63 metres, and an area of 598.6 square metres.

College Avenue West abutting the subject property is designated as a two (2) lane local road with grass boulevard on both sides, asphalt pavement, curb and gutter and concrete sidewalk on both sides of the street. The ultimate right-of-way width of College Avenue West abutting the property is 30.00 metres as per the City's Official Plan. The current right-of-way abutting the property is 26.213 metres; as such, a road widening of 1.9 metres will be required.

Engineering has no concerns with the consent application subject to the condition noted above.

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 and shared driveway.

Building Services does not object to these applications. A building permit will be required prior to any construction, at which time requirements under the Ontario Building Code will be reviewed.

Comments from the Public

None

Contact Information

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