

# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: B-6/21 and A-16/21  
Location: 218 Paisley Street  
Hearing Date: February 25, 2021  
Owner: Frederic Laberge  
Agent: Jeff Buisman, Van Harten Surveying Inc.  
Official Plan Designation: Low Density Residential  
Zoning: Residential Single Detached (R.1B) Zone

### **B-6/21: Consent Application**

**Request:** The applicant proposes to sever a parcel of land at the rear of 218 Paisley Street with an area of 138 square metres as a lot addition to the rear of the abutting property known as 222 Paisley Street. The retained parcel will have frontage along Paisley Street of 11.5 metres and an area of 372 square metres.

### **A-16/21: Minor Variance Application**

**Request:** The applicant is seeking relief from the By-Law requirements to permit a minimum lot area of 372 square metres.

**By-Law Requirements:** The By-law requires a minimum lot area of 460 square metres in the Residential Single Detached (R.1B) Zone.

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## Staff Recommendation

### Approval with Conditions

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## Recommended Conditions

### **B-6/21: Consent Application**

#### **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](mailto: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.
5. That the Owner shall consolidate the severed parcel with the abutting lands to which the severed parcel is to be added as a single parcel ("the consolidation") and that the Owner's solicitor shall provide a firm undertaking in writing to the Secretary-Treasurer of the Committee of Adjustment for the City of Guelph that the solicitor will attend to the consolidation and will provide within 30 days of the date of registration in the Land Registry Office for Wellington (No. 61), or prior to the issuance of a building permit [if applicable], whichever occurs first, a copy of the registered electronic Transfer document including the Certificate of Official and the registered application Consolidation Parcels document.
6. That the Transferee take title of the severed lands in the same manner and capacity as he or she holds his or her abutting lands; and that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or any transaction involving the parcel of land that is subject of this consent.

## **A-16/21: Minor Variance Application**

### **Committee of Adjustment Administration**

1. That consent application B-6/21 receives final certification of the Secretary-Treasurer and be registered on title.
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## **Comments**

### **Planning Services**

#### **B-6/21: Consent Application**

The subject lands are designated "Low Density Residential" in the Official Plan. This designation applies to residential areas within the designated Built-Up Area of the City which are predominantly low-density in character. This land use designation permits a range of housing types including single detached, semi-detached and duplex dwellings.

The subject lands are currently zoned "Residential Single Detached" (R.1B), according to Zoning By-law (1995)-14864, as amended.

The applicant is proposing to sever a parcel of land at the rear of 218 Paisley Street with an area of 138 square metres and add it to the rear of the abutting property, 222 Paisley Street. The subject property is currently developed with a single detached dwelling and shed. An associated minor variance application has been submitted for a reduced lot area for the subject property.

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 application conforms 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 the lot addition.

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

The proposed lot addition represents orderly development of the land. The reconfiguration of the parcel will provide additional rear yard space for 222 Paisley St. and create a more logical lot pattern.

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

The proposed severance is considered to be appropriate and is supportable.

Staff are satisfied that the proposal meets the Consent policies of the Official Plan and subdivision criteria as outlined in section 51(24) of the Ontario Planning Act. Planning staff recommend approval of the application.

### **A-16/21: Minor Variance**

The subject property is designated "Low Density Residential" in the Official Plan. The "Low Density Residential" land use designation permits a range of housing types including single and semi-detached residential dwellings. The requested variance meets the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B), according to Zoning By-law (1995)-14864, as amended. Due to the lot reconfiguration made through Consent application B-6/21, the lot area of the subject property will be reduced to 372 square metres and a variance is therefore required to Table 5.1.2, Row 3 of the Zoning By-law which requires a minimum lot area of 460 square metres. The subject property is currently developed with a single detached dwelling. The intent of the minimum lot area requirement is to ensure that a property can accommodate an appropriate sized house with adequate setbacks and sufficient rear yard amenity area. The subject property is already developed and

has sufficient setbacks and rear yard amenity space. The requested variance is considered to meet the general intent and purpose of the Zoning By-law, is considered to be desirable for the appropriate development of the land and is considered to be minor in nature.

Planning staff recommend approval of the application.

## **Engineering Services**

### **B-6/21: Consent Application**

The applicant proposes to sever a parcel of land at the rear of 218 Paisley Street with an area of 138 square metres as a lot addition to the rear of the abutting property known as 222 Paisley Street. The retained parcel will have frontage along Paisley Street of 11.5 metres and an area of 372 square metres.

Engineering has no concerns with the requested severance.

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

### **A-16/21: Minor Variance**

Engineering staff have no concerns with the request of seeking relief from the By-Law requirements to permit a minimum lot area of 372 square metres.

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

## **Building Services**

This property is located in the Residential Single Detached (R.1B) Zone. The applicant proposes to sever a parcel of land at the rear of 218 Paisley Street with an area of 138 square metres as a lot addition to the rear of the abutting property known as 222 Paisley Street. The retained parcel will have frontage along Paisley Street of 11.5 metres and an area of 372 square metres. The applicant is seeking relief (A-16/21) from the By-Law requirements to permit a minimum lot area of 372 square metres.

Building Services does not object to either of these applications.

## **Bell Canada**

Bell Canada has no concerns with Application for Consent B-6/21 regarding 218 Paisley Street.

## **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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