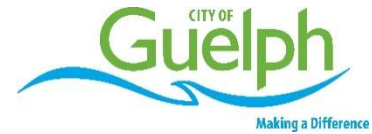


# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: B-18/21 and B-19/21  
Location: 156 Palmer Street  
Hearing Date: September 9, 2021  
Owner: Stephen Lougheed, Estate of Leslie Ross Lougheed  
Agent: Jeff Buisman, Van Harten Surveying Inc.  
Official Plan Designation: Low Density Residential  
Zoning Designation: Residential Single Detached (R.1B) Zone

**Requests:** The applicant proposes the following:

### **File B-18/21 – Lot Addition (Lands to be Severed 1)**

Severance a parcel of land at the rear of 156 Palmer Street with an area of 542 square metres as a lot addition to the rear of the abutting property known as 160 Palmer Street.

### **File B-19/21 – Lot Addition (Lands to be Severed 2)**

Severance a parcel of land at the rear of 156 Palmer Street with an area of 372 square metres as a lot addition to the rear of the abutting property known as 162 Palmer Street.

The retained parcel (156 Palmer Street) will have frontage along Palmer Street of 18.9 metres and an area of 1,265 square metres.

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## Staff Recommendations

### Approval with Conditions

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## Recommended Conditions

### **File B-18/21 – Lot Addition (Lands to be Severed 1)**

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

1. That consent application B-19/21 receives final certification of the Secretary-Treasurer and be registered on title.
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](mailto: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.
6. 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.
7. 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.

## **File B-19/21 – Lot Addition (Lands to be Severed 2)**

### **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.
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## Comments

### Planning Services

The subject lands are designated "Low Density Residential" in the Official Plan. This designation applies to residential areas within the Built-Up Area of the City which are currently predominantly low-density in character. The predominant land use in this designation is residential and includes single detached, semi-detached, duplex dwellings and multiple unit residential buildings, such as townhouses and apartments.

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

Planning staff are of the opinion that the proposed severances as lot addition meet the objectives for the residential land use designations, and that the proposed severed and retained lots will have an overall lot layout that is compatible with the surrounding established residential area.

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 consent application B-18/21 (Lands to be Severed 1):

**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.

- 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 lands. The reconfiguration of the parcel will provide additional rear yard space for 160 Palmer Street and create a more logical lot pattern. No development is proposed. Both the lands to be "retained" and the lands to be "severed/added to" exceed the minimum lot area requirement for the R.1B Zone.

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

The proposed severance as a lot addition is considered to be reasonable and in the best interest of the community.

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 consent application B-19/21 (Lands to be Severed 2):

- 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.

- 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 162 Palmer Street and create a more logical lot pattern. No development is proposed. Staff note that the lot frontage on 162 Palmer Street is considered to be legal non-complying at 12.9 metres. The lot addition does not alter the lot frontage in any way and therefore a variance for lot frontage is not required. Both the lands to be "retained" and the lands to be "severed/added to" exceed the minimum lot area requirement for the R.1B Zone.

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

The proposed severance as a lot addition is considered to be reasonable and in the best interest of the community.

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 Planning Act. Staff are not recommending any conditions for either application as the parcels are already developed and no new construction is proposed.

### **Engineering Services**

Engineering has reviewed both consent applications. Since no new development will occur due to the severances, these are considered as technical severances to merge the lands; as such, Engineering has no concern with either application.

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

### **Building Services**

Building Services has no objection to these applications.

### **Bell Canada**

Bell Canada has no concern with application for Consent files B-18/21 and B-19/21 for 156 Palmer 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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