

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: B-20/21
Location: 29-31 Fountain Street West
Hearing Date: October 14, 2021
Owner: 2782552 Ontario Ltd.
Agent: Jeff Buisman, Van Harten Surveying Inc.
Official Plan Designation: Residential 1 – Downtown Secondary Plan
Zoning Designation: Residential Single Detached (R.1B) Zone

Request: The applicant proposes to sever a parcel of land (29 Fountain Street West) with frontage along Fountain Street West of 8.9 metres and an area of 288 square metres. The retained parcel (31 Fountain Street West) will have frontage along Fountain Street West of 9.1 metres and an area of 293 square metres.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Parks Planning

1. The Owner shall be responsible for a payment in lieu of conveyance of parkland to the satisfaction of the Deputy CAO of Public Services or their designate, pursuant to Section 51.1 and Section 53(13) of the Planning Act and in accordance with the Official Plan policies, prior to the issuance of the Certificate of Official. The amount of payment in lieu of parkland would be calculated at a rate of 5 percent of the appraised property value of the severed portion of the property in accordance with Section 51.1 and Section 53(13) of the Planning Act and in accordance with Official Plan policies.
2. That prior to the issuance of the Certificate of Official, the Owner shall provide to the Deputy CAO of Public Services or their designate, a satisfactory narrative appraisal report for the severed portion of the property, prepared for The Corporation of the City of Guelph for the purposes of calculating the amount for payment in lieu of conveyance of parkland pursuant to Section 51.1 and Section 53 (13) of the Planning Act. The narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services or their designate. Notwithstanding the foregoing, if the

narrative appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services or their designate, acting reasonably, the City reserves the right to obtain an independent narrative appraisal for the purposes of calculating the amount for payment in lieu of conveyance of parkland.

Committee of Adjustment Administration

3. 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.
 4. 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.
 5. 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).
 6. 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 "Residential 1" in the Downtown Secondary Plan. This land use designation includes portions of the broader residential neighbourhoods that extend into the Downtown that are mostly occupied by low-rise forms of housing, including detached and semi-detached houses, townhouses, and apartment buildings.

The subject property contains an existing semi-detached dwelling. A [Zoning By-law Amendment \(OZS21-005\) was approved by Council on September 13, 2021](#) to change the zoning on the subject property from the "Residential Single Detached" (R.1B) Zone to the "Residential Semi-Detached/Duplex" Zone. The proposed severance application will allow each unit of the semi-detached dwelling to be in separate ownership.

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 required for this proposal. The proposed severance is technical in nature as the semi-detached dwelling is existing and no new construction is proposed.

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

The proposed severance does not restrict or hinder the ultimate development of the lands. The property is developed with an existing semi-detached dwelling and the severance will allow each half of the semi-detached dwelling to be in separate ownership. The severance will also allow for the creation of an additional residential dwelling unit in each half of the semi-detached dwelling.

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 reasonable and is in the best interest of the community.

The proposed "retained" and "severed" parcels conform to the "Residential Semi-Detached/Duplex" (R.2) Zone. Staff are satisfied that the proposed severance meets 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 as the semi-detached dwelling is existing and no new construction is proposed.

Parks Planning

Park and Trail Development has no objection to the proposed severance, subject to the above conditions. Parkland dedication was not previously paid and is required pursuant to s. 51.1 and s. 53(13) of the Planning Act and in accordance with Official Plan policies.

Engineering Services

The property is subject to a Zoning By-law Amendment (File OZS21-005) which was approved on September 13, 2021 to rezone the property to a Residential Semi-Detached/Duplex (R.2) Zone. Engineering review was completed under the re-zoning application. Therefore, Engineering has no concerns with the consent application.

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

Building Services

Building Services does not object to this application. 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

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

519-822-1260 Extension 2524

cofa@guelph.ca

TTY: 519-826-9771

guelph.ca/cofa