

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: B-22/23
Location: 59 Essex Street
Hearing Date: November 9, 2023
Owner: Carolyn Elizabeth and Dario Moretti
Agent: Jeff Buisman, Van Harten Surveying Inc.
Official Plan Designation: Low Density Residential
Zoning Designation (1995)-14864: Residential Single Detached (R.1B) Zone
Zoning Designation (2023)-20790: Low Density Residential 1 (RL.1) Zone

Request: The applicant proposes to create an easement with a width of 3.1 metres and an area of 7.5 square metres over a portion of 59 Essex Street, for the purposes of access and parking, in favour of the adjacent property at 61 Essex Street.

Staff Recommendation

Approval with 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 "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, and are zoned "Low Density Residential" (RL.1) in the Comprehensive Zoning By-law passed by Council on April 18, 2023.

The applicant is seeking approval to create an easement with a width of 3.1 metres and an area of 7.5 square metres over a portion of 59 Essex Street, for the purposes of access and parking, in favour of the adjacent property at 61 Essex Street.

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 applications:

- i. **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 applications conform 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 Municipality.**
A plan of subdivision is not necessary for the proposed easement.
- iii. **That the land parcels to be created by the consent will not restrict or hinder the ultimate development of the lands.**
The applications will facilitate ultimate development of the lands.
- iv. **That the application can be supported if it is reasonable and in the best interest of the community.**
The application is reasonable and is 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 application.

Engineering Services

Engineering has no concerns with the requested consent application.

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

Building Services

Building-zoning has no concerns with the proposed easement as the existing parking space length is considered to be legal non-complying.

Comments from the Public

None

Contact Information

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