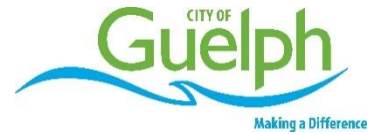


Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Numbers: B-5/20 and A-23/20
Location: 14 Winston Crescent
Hearing Date: June 11, 2020
Owner: Marie-Jose van der Zande and Alberdina Bouwmeester
Agent: Jeff Buisman, Van Harten Surveying Inc.
Official Plan Designation: Low Density Residential
Zoning: Residential Single Detached (R.1B)

File B-5/20: Consent

Request: The applicant is requesting permission to sever a parcel of land to the rear of 14 Winston Crescent with an area of 97 square metres as a lot addition to the rear of 75 Metcalfe Street. The retained parcel will have frontage along Winston Crescent of 10.9 metres and an area of 300 square metres.

File A-23/20: Minor Variance

Request: The applicant is seeking relief from the By-Law requirements to permit a minimum lot area of 300 square metres.

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

Staff Recommendation

Approval with Conditions

Recommended Conditions

File B-5/20

Committee of Adjustment Administration

1. That Minor Variance application A-23/20 is approved at the same time as the consent application and become final and binding.
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.
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 A-23/20

Committee of Adjustment Administration

1. That Consent Application B-5/20 receives final certification of the Secretary-Treasurer and be registered on title.
-

Comments

File B-5/20

Planning Services

The subject lands are designated "Low Density Residential" in the Official Plan.

The applicant is proposing to sever the rear portion of 14 Winston Crescent and add it to 75 Metcalfe Street. The subject property is currently developed with a semi-

detached dwelling and detached garage. An associated minor variance application has been submitted for a reduced lot area for the subject property.

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

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 75 Metcalfe 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. Staff recommend approval of the application.

Engineering Services

The applicant proposes to sever a parcel of land to the rear of 14 Winston Crescent with an area of 97 square metres as a lot addition to the rear of 75 Metcalfe Street. The retained parcel will have frontage along Winston Crescent of 10.9 metres and an area of 300 square metres

Engineering has no concerns with this application.

We agree with recommendations made by Planning and Building staff.

Building Services

This property is located in a Residential Single Detached (R.1B) Zone. The applicant is proposing to sever the rear portion of the subject property as a lot addition to 75 Metcalfe Street.

Building Services does not object to this proposal to sever a parcel of land to the rear of 14 Winston Crescent with an area of 97 square metres as a lot addition to the rear of 75 Metcalfe Street.

Bell Canada

Bell Canada has no concerns.

File A-23/20

Planning Services

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-5/20, the lot area of the subject property will be reduced to 300 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 legal non-conforming semi-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

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a minimum lot area of 300 square metres.

We agree with recommendations made by Planning and Building staff.

Building Services

This property is located in a Residential Single Detached (R.1B) Zone. The applicant is proposing to maintain the existing semi-detached dwelling and detached garage, and sever the rear portion of the subject property as a lot addition to the rear of 75 Metcalfe Street (See file B-5/20). The applicant is requesting a variance to permit a minimum lot area of 300 square meters. Building Services does not object to this variance request.

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