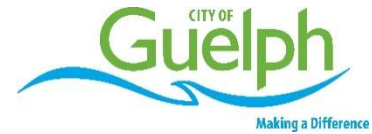


Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: B-14/20 and A-51/20
Location: 151 Cityview Drive North
Hearing Date: November 12, 2020
Owner: Besnik Prebreza and Alend Azad Salim
Agent: Jeff Buisman, Van Harten Surveying Inc.
Official Plan Designation: Low Density Greenfield Residential
Zoning: Residential Single Detached (R.1C) Zone

File B-14/20: Consent

Request: The applicant proposes to sever a parcel of land with frontage along Cityview Drive North of 10.8 metres and an area of 681 square metres. The retained parcel will have frontage along Cityview Drive North of 12.0 metres and an area of 754 square metres.

File A-51/20: Minor Variance (severed parcel)

Request: The applicant is seeking relief from the By-Law requirements to permit a minimum lot frontage of 10.8 metres for the severed parcel.

By-law Requirements: The By-law requires a minimum lot frontage of 12 metres.

Staff Recommendation

Approval with Conditions

Recommended Conditions

File B-14/20: Consent

Planning Services

1. That a plan shall be submitted to, and approved by the General Manager of Planning and Building Services, prior to the issuance of a building permit for the new dwellings on the "severed" and "retained" parcels indicating the location and design of the new dwellings.
2. That prior to the issuance of a building permit, elevation and design drawings for the new dwellings on the "severed" and "retained" parcels shall be submitted to, and approved by the General Manager of Planning and Building Services.

3. That prior to the issuance of the Certificate of Official, the Owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.

Engineering Services

4. That prior to issuances of Certificate of Official, the Owner shall have a Professional Engineer design a stormwater management brief for the proposed development, satisfactory to the General Manager/City Engineer.
5. That prior to any construction or grading on the lands, the Owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
6. That prior to issuances of Certificate of Official, the Owner shall have a Professional Engineer design a grading/drainage and servicing plan for the site, satisfactory to the General Manager/City Engineer.
7. That the Owner shall pay to the City the actual cost of the construction of the new driveways including the required curb cut and/or fill and furthermore, prior to issuance of building permit or prior to any construction or grading on the lands, the Owner shall pay the City the estimated cost for constructing the new driveways including the required curb cut and/or fill, as determined by the General Manager/City Engineer.
8. That the Owner shall pay the City the actual cost of constructing, installing or removal of any service laterals required and furthermore, prior to issuance of building permit or prior to any construction or grading on the lands, the Owner shall pay the City the estimated cost of constructing, installing or removal of any service laterals, as determined by the General Manager/City Engineer.
9. That the Owner will ensure that all domestic wells, boreholes and monitoring wells installed for hydrogeological or geotechnical investigations are properly decommissioned in accordance with current Ministry of the Environment regulations (O. Reg. 903 as amended) and to the satisfaction of the General Manager/City Engineer, prior to any construction or grading on the lands.
10. That the Owner constructs the new buildings at such an elevation that the lowest level of the new buildings can be serviced with a gravity connection to the sanitary sewer.
11. That the Owner acknowledges that the City does not allow retaining walls higher than 1.0-metre abutting existing residential properties without the permission of the General Manager/City Engineer.
12. That the Owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
13. That the Owner shall ensure that all telephone service and cable TV service on the lands shall be underground. The Owner shall enter into a servicing

agreement with the appropriate service providers for the installation of underground utility services, prior to the issuance of any building permits.

Alectra Utilities

14. That prior to the issuance of a building permit, the applicant makes satisfactory arrangements with the ICI and Layouts Dept at Alectra Utilities for the underground servicing of the two newly created lots. A servicing agreement and design prepayment will be required between Alectra Utilities and the applicant prior to any design work commencing. The servicing costs would be at the applicant's expense.

Committee of Adjustment Administration

15. That minor variance application A-51/20 is approved at the same time as the consent application, and become final and binding.
16. 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.
17. 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.
18. 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).
19. 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.

File A-51/20: Minor Variance (severed parcel)

Committee of Adjustment Administration

1. That consent application B-14/20 receives final certification of the Secretary-Treasurer and be registered on title.
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Comments

Planning Services

The subject property is designated "Low Density Greenfield Residential" in the Official Plan. This designation applies to greenfield residential areas within the City where a full range of housing types are found including single detached, semi-

detached, duplex dwellings and multiple unit residential buildings, such as townhouses and apartments. All residential development within the "Low Density Greenfield Residential" designation is to be between a net density of 20 and 60 units per hectare.

The subject property is zoned 'Residential Single Detached' (R.1C) according to Zoning By-law (1995)-14864, as amended, which permits single detached dwellings. The proposed severance will create one new residential building lot. The property is currently vacant and the proposal allows for the creation of a new lot and subsequent construction of two new dwellings.

File B-14/20: Consent

Policy 9.3 of the Official Plan provides several objectives to be achieved in the residential designations in the City. In providing new housing, consideration is to be given to the development of a full range of housing types, affordability and densities to meet a variety of lifestyles and diversity (9.3(b)). Further, several objectives emphasize the need to ensure compatibility in residential areas, including maintaining the general character of built form in existing established residential neighbourhoods while accommodating compatible residential infill and intensification (9.3 (f)). New development is also to be compatible with and preserve the general character of established neighbourhoods (9.3 (i) and (m)).

Official Plan policy 9.3.1.1 outlines development criteria for intensification proposals within existing residential neighbourhoods. Policy 9.3.1.1 speaks to building form, scale, height, setbacks, massing, appearance and siting being compatible in design, character and orientation with buildings in the immediate vicinity. The Official Plan defines "compatible" as being development or redevelopment which may not necessarily be the same as, or similar to, the existing development, but can co-exist with the surrounding area without an unacceptable adverse impact.

Planning staff are of the opinion that the proposed severance meets the objectives for the residential designations, and that the proposed new lot, land use and overall built form is compatible with the surrounding established residential area. The proposed severance will create one new residential lot for a single detached residential dwelling in accordance with the Low Density Greenfield Residential land use designation. Cityview Drive North is comprised of properties with single detached dwellings on lots of varying shapes, areas and frontages.

The proposed Consent meets the policies in section 9.3.3 for development on lands within the Low Density Greenfield Residential land use designation. When considering recent and future residential development along Cityview Drive North, the net density of the neighbourhood is planned to achieve the minimum 20 units per hectare net density.

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 creation of one new residential lot on an existing municipal road. The severance represents orderly development of the lands.

- 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 will facilitate the development of the lands.

- 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.

The subject lands have full municipal services (water and sanitary sewer) available along Cityview Drive North. Engineering staff have confirmed that capacity is available to service both the severed and retained parcels.

The subject property is less than 0.2 hectares in size and therefore is not regulated by the Private Tree Protection By-law. However, consistent with the policies of the Official Plan, the City is committed to the protection and enhancement of its Urban Forest resources. Staff encourages the applicant to consult with an arborist in order to retain and protect as many trees as possible on the subject property.

File A-51/20: Minor Variance (severed parcel)

The subject property is zoned 'Residential Single Detached' (R.1C) according to Zoning By-law (1995)-14864, as amended, which permits single detached dwellings.

To facilitate the construction of a new single detached dwelling on the severed parcel, one variance is requested to permit a lot frontage of 10.8 metres, whereas the zoning by-law requires a minimum lot frontage of 12 metres in the R.1C Zone. The retained parcel meets all requirements of the R.1C Zone.

It is Planning staff's opinion that the variance for the severed parcel maintains the general intent and purpose of the Official Plan. The Official Plan encourages more efficient use of vacant and under utilized lots. Further, infill development and intensification is to be compatible with and maintain the character of the surrounding area. The variance requested will facilitate reasonable and logical infill development. The addition of a new single detached lot will not have an adverse impact on the existing established residential area.

It is Planning staff's opinion that the variance for the severed parcel maintains the general intent and purpose of the Zoning By-law. The requirement for a minimum

lot frontage for single detached dwellings is to ensure there is adequate space to contain the single detached dwelling with room for required parking while maintaining setbacks and outdoor amenity and landscaped area. Given the proposed lot area of 681 m² for the severed parcel, (the requirement for minimum lot area is 370 m²) Planning staff are satisfied that the severed property with the reduced lot frontage of 10.8 metres can accommodate all requirements for a single detached dwelling.

The requested variance is considered to meet the general intent and purpose of the Official Plan and Zoning By-law, is considered to be desirable for the appropriate development of the land and considered to be minor in nature. Planning staff recommend approval of the variance application.

Consent Summary and Conditions

Planning 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. Further, Planning staff are also of the opinion that the requested variance meets the four tests under Section 45(1) of the Planning Act. Finally, Planning staff have consulted with and reviewed the comments provided by Engineering and Zoning staff and support their comments. It is recommended that the Committee approve the Consent and minor variance application subject to the conditions noted above.

Open Space Planning

After review of Committee of Adjustment consent application to create one (1) new residential lot at 151 Cityview Drive North, file number B-14/20, Open Space Planning have determined that the applicant shall be responsible for a payment in lieu of conveyance of parkland for both lots (severed and retained) prior to the issuance of any building permits under the City of Guelph's Parkland Dedication Bylaw (2019)-20366 as amended by (2019)-20380 or any successor thereof.

Engineering Services

File B-14/20: Consent

The applicant is proposing to sever a parcel of land with frontage along Cityview Drive North of 10.8 metres and an area of 681 square metres. The retained parcel will have frontage along Cityview Drive North of 12.0 metres and an area of 754 square metres.

Engineering Services has no concerns with the applications, subject the conditions noted above.

File A-51/20: Minor Variance (severed parcel)

Engineering Services has no concerns with the request of seeking relief from the By-law requirements to permit a minimum lot frontage of 10.8 metres for the severed parcel.

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

Building Services

This property is located in the Residential Single Detached (R.1C) Zone. The applicant is proposing to sever the vacant property to create a new residential lot and construct a single detached dwelling on the severed parcel and the retained parcel. Due to the creation of the new lot, a minor variance application has also been submitted (file A-51/20) to permit a minimum lot frontage of 10.8 metres for the severed parcel.

Building Services does not object to these applications. A building permit will be required prior to any construction, at which time requirements under the Ontario Building Code will be reviewed.

Alectra Utilities

Alectra has reviewed the applications scheduled for the November 12, 2020 hearing and wish to submit the condition noted above for the Committee's consideration (see attached).

Bell Canada

Bell Canada has no concerns with application for Consent B-14/20 regarding 151 Cityview Drive North.

Comments from the Public

None

Contact Information

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