

# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: B-2/18 and B-3/18  
Location: 64 and 68 Queen Street  
Hearing Date: June 10, 2021  
(Deferred at the December 10, 2020 hearing)  
Owner: Charleston Homes Ltd. and Scattered Lotco Inc.  
Agent: Jamie Laws, Van Harten Surveying Inc.  
Official Plan Designation: Low Density Residential  
Zoning: Residential Single Detached (R.1B) Zone

**Request:** The applicant is proposing to sever the following parcels of land:

### **File B-2/18 (68 Queen Street):**

Severance of a parcel with frontage along Queen Street of 5.17 metres and an area of 260 square metres. The retained parcel contains an existing stone wall and flagstone patio and will have frontage along Queen Street of 15.0 metres and an area of 753 square metres; and

### **File B-3/18 (64 Queen Street):**

Severance of a parcel with frontage along Queen Street of 9.83 metres and an area of 472 square metres. The retained parcel contains an existing single detached dwelling and will have frontage along Queen Street of 20.64 metres and an area of 1054 square metres. The applicant is proposing to merge the two severed parcels together in order to create a new residential lot with frontage along Queen Street of 15.0 metres and an area of 732 square metres.

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## Staff Recommendation

### Approval with Conditions

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## Recommended Conditions

### **File B-2/18 (68 Queen Street):**

#### Planning Services

1. That prior to the issuance of a building permit, a plan shall be submitted to, and approved by the General Manager of Planning and Building Services, for the new

dwellings on the "severed/merged" parcel and "retained parcel #1" indicating the location 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/merged" parcel and "retained parcel #1" 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 and below noted conditions and to develop the site in accordance with the approved plans.
4. That prior to the issuance of the Certificate of Official and/or prior to undertaking activities which may injure or destroy regulated trees, the applicant shall submit a Tree Inventory and Preservation Plan (TIPP) which shall be developed and carried out by an Arborist and in accordance with the Private Tree Protection By-law (2010-19058), to the satisfaction of the General Manager of Planning and Building Services. The applicant should contact the City's Landscape Planner prior to hiring an Arborist, to determine the requirements of the TIPP.

### **Engineering Services**

5. That prior to the issuance of the Certificate of Official, the Owner(s) agrees to enter into a development agreement for the proposed dwelling and the retained parcel, which would include but not be limited to such things as servicing condition, groundwater condition, stormwater management conditions and construction conditions.
6. That prior to the issuance of the Certificate of Official, the Owner(s) agrees to satisfy all the engineering requirements and ensures that the proposed design is in accordance with recognized best management practices, Provincial Guidelines, and the City's engineering guidelines.
7. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide to the City, to the satisfaction of the General Manager/City Engineer, the following studies, plans and reports:
  - i. a Stormwater Management Report and plans certified by a Professional Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual", which addresses the quantity and quality of stormwater discharge from the Site together with a monitoring and maintenance program for the stormwater management facility to be submitted;
  - ii. Groundwater measurements and capture the seasonal high;
  - iii. Geotechnical Report;
  - iv. Grading/Servicing Plan;
  - v. Erosion and Sediment Control Plan;
  - vi. Pre-Development Plan;

- vii. Post-Development Plan;
  - viii. Plan and Profiles and design sheets for the proposed sanitary sewer; and
  - ix. A cost estimate for the work within the City right-of-way is to be prepared by the consulting Engineer using the City's cost estimate Excel spreadsheet.
8. That prior to the issuance of the Certificate of Official, the Owner(s) agrees to obtain approval from the City's engineering department on the above-listed plans and reports.
  9. That prior to the issuance of Certificate of Official, the developer shall submit a Phase One Environmental Site Assessment in accordance with O. Reg. 153/04 or CSA Z768-00 standard as per City Guideline, describing the current conditions of the subject property to the satisfaction of the City. If contamination is found, the consultant will determine its nature and indicate any necessary measures to manage the contamination at the developer's expense.
  10. That prior to the issuance of the Certificate of Official, the Owner(s) shall pay the initial estimated cost for all construction works related to the proposed sanitary sewer within the City's right of way as approved in the cost estimate to the satisfaction of the General Manager/City Engineer.
  11. That the Owner(s) agrees to pay the actual cost once the work for the proposed sanitary sewer is completed, including the restoration costs to the satisfaction of the General Manager/City Engineer.
  12. That the Owner agrees to construct the proposed service laterals (sanitary/water) for the proposed lots during the construction of the sanitary sewer.
  13. That prior to the issuance of the Certificate of Official, the Owner(s) agree to pay 5 percent of the estimated cost of the works as a review fee of the overall design.
  14. That prior to the issuance of the Certificate of Official, the Owner (s) shall obtain an Environmental Compliance Approval (ECA) from the Ministry of Environment, Conservation and Parks (MECP) for the proposed sanitary sewer.
  15. That prior to the issuance of the Certificate of Official, the Owner(s) shall construct the proposed sanitary sewer along the retained and the severed lands, to the satisfaction of the General Manager/City Engineer.
  16. That the Owner(s) agrees to design and construct the new dwelling at such an elevation that the building's lowest level can be serviced with a gravity connection to the City's sanitary sewer. If the Owner(s) satisfactorily demonstrates to the General Manager/City Engineer that a below-grade gravity connection is not achievable, the building's below-grade level may be allowed to pump sewage, in accordance with the Ontario Building Code, to the property line, and have a gravity connection from the property line to the City's sanitary sewer.
  17. That prior to the issuance of the Certificate of Official, the Owner(s) agree to construct the proposed soak-away pit on the retained lands once the engineering department approves the stormwater water management report.

18. That prior to the issuance of the Certificate of Official, the Owner(s) applies to the Committee of Adjustment and obtains final approval for the proposed 3.0-metre wide easement as shown on the site plan drawing, and that proposed easement is registered on title in favour of 72 Queen Street.
19. That prior to the issuance of the Certificate of Official, the Owner(s) agree to provide a detailed design of the proposed bio-swale to the satisfaction of the General Manager/City Engineer.
20. That prior to the issuance of the Certificate of Official, the Owner(s) agree to construct the proposed bio-swale to the satisfaction of the General Manager/City Engineer. Further, certification shall be provided by the design engineer to the City once the bio-swale is constructed.
21. That prior to the issuance of the Certificate of Official, the Owner(s) applies to the Committee of Adjustment and obtains final approval for an easement for the proposed bio-swale between the new proposed dwelling and the retained parcel.
22. That the Owner(s) applies to the satisfaction of the City Solicitor for an encroachment agreement and obtains approval for the encroachment of the existing retaining wall.
23. That prior to the issuance of any building permit, the Owner(s) shall provide a lot grading plan for the severed lots to the satisfaction of the General Manager/City Engineer.
24. That prior to the issuance of any building permits on the proposed severed lands, the Owner shall pay the flat rate charge established by the City for tree planting for the proposed severed lands.
25. That prior to the issuance of any building permit, the Owner(s) shall provide a stormwater management brief for the severed lots to the satisfaction of the General Manager/City Engineer.
26. That prior to the issuance of any building permit, the Owner shall construct, install and maintain erosion and sediment control facilities, as per the approved plans.
27. The Owner (s) agree to pay the actual cost of the construction of the new driveway entrances and the required curb cuts and curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
28. That prior to issuance of building permit, the Owner(s) apply and obtain an entrance permit for the new proposed driveways on Queen Street.

### **Committee of Adjustment Administration**

29. 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.
30. 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.

31. 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)).
32. 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.
33. 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.
34. 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.
35. That consent application B-3/18 receives final certification of the Secretary-Treasurer and be registered on title.

### **File B-3/18 (64 Queen Street):**

#### **Planning Services**

1. That prior to the issuance of a building permit, a plan shall be submitted to, and approved by the General Manager of Planning and Building Services, for the new dwellings on the "severed/merged" parcel and "retained parcel #1" indicating the location 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/merged" parcel and "retained parcel #1" shall be submitted to, and approved by the General Manager of Planning and Building Services.
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4. That prior to the issuance of the Certificate of Official and/or prior to undertaking activities which may injure or destroy regulated trees, the applicant

shall submit a Tree Inventory and Preservation Plan (TIPP) which shall be developed and carried out by an Arborist and in accordance with the Private Tree Protection By-law (2010-19058), to the satisfaction of the General Manager of Planning and Building Services. The applicant should contact the City's Landscape Planner prior to hiring an Arborist, to determine the requirements of the TIPP.

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5. That prior to the issuance of the Certificate of Official, the Owner(s) agrees to enter into a development agreement for the proposed dwelling and the retained parcel, which would include but not be limited to such things as servicing condition, groundwater condition, stormwater management conditions and construction conditions.
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7. That prior to issuance of the Certificate of Official, the Owner(s), shall provide to the City, to the satisfaction of the General Manager/City Engineer, the following studies, plans and reports:
8. A Stormwater Management Report and plans certified by a Professional Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual", which addresses the quantity and quality of stormwater discharge from the Site together with a monitoring and maintenance program for the stormwater management facility to be submitted;
  - i. Groundwater measurements and capture the seasonal high;
  - ii. Geotechnical Report;
  - iii. Grading/Servicing Plan;
  - iv. Erosion and Sediment Control Plan;
  - v. Pre-Development Plan;
  - vi. Post-Development Plan;
  - vii. Plan and Profiles and design sheets for the proposed sanitary sewer; and
  - viii. A cost estimate for the work within the City right-of-way is to be prepared by the consulting Engineer using the City's cost estimate Excel spreadsheet.
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consultant will determine its nature and indicate any necessary measures to manage the contamination at the developer's expense.

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13. That the Owner agrees to construct the proposed service laterals (sanitary/water) for the proposed lots during the construction of the sanitary sewer
14. That prior to issuance of the Certificate of Official, the Owner(s) agree to pay 5% of the estimated cost of the works as a review fee of the overall design.
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25. That prior to the issuance of any building permits on the proposed severed lands, the Owner shall pay the flat rate charge established by the City for tree planting for the proposed severed lands.
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35. 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.
36. That consent application B-2/18 receives final certification of the Secretary-Treasurer and be registered on title.
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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.

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 of new development 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)).

64 Queen Street is currently developed with one single detached dwelling and 68 Queen Street is a vacant lot of record. The applicant is proposing to create one new residential lot by severing a 260 square metre parcel from 68 Queen Street and severing a 472 square metre parcel from 64 Queen Street and merging the two severed parcels to form one new lot with an area of 732 square metres and a frontage of 15 metres along Queen Street.

Planning staff are of the opinion that the proposed severances meet the objectives for the residential land use designation, and that the proposed new/merged lot, and retained lots overall built form is compatible with the surrounding established

residential area. Queen Street is comprised of properties with single detached dwellings with varying lot frontages and lot areas.

Official Plan policy 9.3.1.1 outlines development criteria for intensification proposals within existing residential neighbourhoods. Planning staff have evaluated the severance applications against this criteria and are satisfied that the proposed retained lots and new/merged lot is consistent and meets all criteria. Specifically, the building form, scale, height, setbacks, massing, appearance, parking layout and siting are compatible in design, character and orientation with buildings in the immediate vicinity. All properties surrounding the site are zoned for single detached dwellings. The proposed two retained parcels and one new/merged parcel meet or exceed all of the minimum zoning regulations for new single detached dwellings in the R.1B zone.

The above policies, criteria and objectives, together with policies regarding development within the Built-up Area and Intensification (Section 3.7), encourage the creation of new low density residential lots within the older established areas of the City, provided that the proposed development is compatible with the surrounding residential environment. 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. Staff are recommending a condition that the applicant submit plans and elevation/design drawings for the proposed new dwellings for staff review and approval to ensure the new dwellings are compatible with the existing residential neighbourhood.

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 applications:

**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 severances do not restrict or hinder the ultimate development of the lands. The proposed development represents a logical and compatible layout of lots that are appropriate to accommodate single detached dwellings within the Built-up Area.

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

The proposed severances are considered to be reasonable and in the best interest of the community. The lot fabric is consistent with what currently exists in the surrounding neighbourhood. Further, the proposed development can be serviced by existing infrastructure and public and private amenities such as schools, parks and retail.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended, which permits single detached dwellings. The proposed severances will create one new residential building lot. The proposed "retained" and "severed/merged" parcels will have lot frontages and lot areas which meet or exceed all of the minimum requirements of the R.1B Zone.

Planning staff have reviewed engineering comments and conditions and are in support of their conditions.

The subject lands are more than 0.2 hectares in size and therefore are regulated by the Private Tree Protection By-law (2010)-19058. Trees are also afforded protection under the Urban Forest policies of the City of Guelph Official Plan. In accordance with the By-law, a Tree Inventory and Preservation Plan (TIPP) is required and staff have recommended a condition to this effect.

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 recommend approval of the consent applications subject to the following conditions noted above.

### **Engineering Services**

The applicant is requesting the following severances as shown on the public notice sketch. The severance application B-2/18 is of a parcel with frontage along Queen Street of 5.17 metres and an area of 260 square metres. The retained parcel contains an existing stone wall and flagstone patio and will have frontage along Queen Street of 15.0 metres and an area of 753 square metres; and severance application B-3/18 is of a parcel with frontage along Queen Street of 9.83 metres and an area of 472 square metres. The retained parcel contains an existing single detached dwelling and will have frontage along Queen Street of 20.64 metres and an area of 1054 square metres. Further, the applicant is proposing to merge the two severed parcels together to create a new residential lot with frontage along Queen Street of 15.0 metres and an area of 732 square metres.

Staff recommended deferral previously due to the unresolved engineering issues. As per the City's contour mapping, the grading difference from Queen Street to the southeast property line is approximately 10.5 metres. As the grading difference is high, this also raises a drainage concern for Staff. An adequate outlet will be required to ensure no adverse impact on the adjacent lands to the south.

Engineering services has been working with the applicant and Van Harten Surveying Inc. to find solutions for the grading, servicing and stormwater management issues.

Staff have received a stormwater management report, servicing/grading plan and a geotechnical report to support the applications. The provided material is currently being reviewed by staff, but has not been approved. Based on the provided material, there are engineering solutions that can work to develop the severed lots and support the consent applications. Staff will continue to work with Van Harten Surveying Inc. and can support the applications at this time.

Engineering recommends that these applications be approved with the conditions noted above.

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

### **Building Services**

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to create a new residential lot with two retained lots.

Building Services does not have any objections to these applications.

### **Bell Canada**

Bell Canada has no concerns with applications for Consent B-2/18 and B-3/18 regarding 64 and 68 Queen Street.

### **Comments from the Public**

Yes (See Attached)

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### **Contact Information**

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

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