

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Numbers: B-5/21 and A-15/21
Location: 18-20 Grove Street
Hearing Date: June 10, 2021
(Deferred at the February 11, 2021 hearing)
Owner: Kristopher Lawson and Alysha Maxwell
Agent: Jeff Buisman, Van Harten Surveying Inc.
Official Plan Designation: Low Density Residential
Zoning: Residential Single Detached (R.1B) Zone

B-5/21: Consent

Request: The applicant proposes to sever a parcel of land with frontage along Grove Street of 15.3 metres and an area of 566 square metres. The retained parcel will have frontage along Grove Street of 21.5 metres and an area of 922 square metres.

A-15/21: Minor Variance

By-Law Requirements: The By-law requires:

- a) that in an R.1 Zone, every required parking space shall be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building; and
- b) that a driveway (residential) in an R.1 Zone shall have a maximum width of 6.5 metres in an R.1B Zone.

Request: The applicant is seeking relief from the By-Law requirements to permit:

- a) the required parking spaces to be located to the front of the front wall of the main building; and
- b) a maximum driveway width of 11.5 metres.

Staff Recommendation

Approval with Conditions

Recommended Conditions

B-5/21: Consent

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 dwelling on the "severed" parcel that indicates the location of the new dwelling as well as all off-street parking and access to Grove Street.
2. That prior to the issuance of a building permit, elevation and design drawings for the new dwelling on the "severed" parcel 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 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, retaining wall conditions, stormwater management conditions and construction conditions.
5. That prior to the issuance of the Certificate of Official, the Owner provides a servicing plan, showing the lateral connections to the City's infrastructure for review and approval for both the severed lands and the retained lands, to the satisfaction of the General Manager / City Engineer.
6. That prior to the issuance of the Certificate of Official, the Owner(s) shall remove and replace the existing services on the retained lands as they were installed in 1914. The Owner(s) shall pay the estimated and the actual cost of the service lateral for the retained lands, including the cost of all restoration works within the City's right of way.
7. That prior to the issuance of any building permit, the Owner(s) to pay the estimated and the actual cost of the service lateral for the proposed severed lands, including the cost of all restoration works within the City's right of way.
8. 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.
9. That prior to the issuance of the Certificate of Official, the Owner(s) provides a full grading plan for review and approval to City for both severed lands and the retained lands to the satisfaction of the General Manager/City Engineer. The grading plan must account for changes in slope required to accommodate the

new retaining wall at the parking area and alterations to the City-own retaining wall.

10. That prior to the issuance of the Certificate of Official, the Owner(s) final retaining wall design and analysis to be completed, as stated in Tacoma's Letter.
11. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide a construction management plan and traffic control plan for the removal of the retaining wall.
12. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide a cost estimate for all the works within the City's right-of-way pertaining to the removal works of the existing retaining walls, to the satisfaction of the General Manager / City Engineer.
13. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide securities for all the works within the City's right-of-way as approved in the cost estimate to the satisfaction of the General Manager/City Engineer.
14. 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.
15. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide a removal plan to the satisfaction of the General Manager/City Engineer for the existing stairway entering Grove street. Once the plan has been approved, the Owner(s) shall remove the stairway and pay for the removal costs.
16. That prior to the issuance of the Certificate of Official, the Owner shall provide an erosion and sediment control plan to the satisfaction of the General Manager/City Engineer.
17. That the Owner(s) agree to install all erosion and sediment control devices prior to any grading or construction work on the retained or the severed lot.
18. That prior to the issuance of any building permit, the Owner(s) shall provide a lot grading plan for the severed lot only to the satisfaction of the General Manager/City Engineer.
19. 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.
20. That prior to the issuance of any building permit, the Owner(s) shall provide a stormwater management brief for the severed lot to the satisfaction of the General Manager/City Engineer.
21. That prior to the issuance of a building permit, the owner(s) shall apply and obtain an entrance permit for the proposed driveway.
22. That 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.

Committee of Adjustment Administration

23. 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.
24. 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.
25. 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).
26. 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.

A-15/21: Minor Variance

Planning Services

1. That parking in the front yard be limited to a maximum of four (4) spaces.
 2. That parking spaces in the front yard be located as shown on the public notice sketch.
 3. That the associated driveway and drive aisle be located as shown on the public notice sketch.
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Comments

Planning Services

B-5/21: Consent

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.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. The R.1B zone permits single detached dwellings and other related accessory uses.

18-20 Grove Street is currently developed with a legal non-confirming triplex (apartment). The applicant is proposing to sever the right (eastern) portion of the subject lands to create a new 566 square metre residential lot. The retained parcel will be 922 square metres. The applicant is proposing to maintain the existing triplex on the retained parcel and is proposing to develop a new single detached dwelling on the severed parcel. An associated minor variance application (Application A-15/21) has been submitted as the driveway of the retained parcel is proposed to be widened in order to allow for four (4) parking spaces to be located in the front yard and to increase the maximum driveway width. The requested variances are in relation to the existing surface parking area for the triplex being reconfigured as a result of the severance and associated grading.

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)).

Planning staff are of the opinion that the proposed severances meet the objectives for the residential land use designation, and that the overall built form of the proposed severed and retained lots is compatible with the surrounding established built-up residential area. Grove Street is comprised of properties with single detached dwellings with varying lot configurations. This includes a variety of front yard setbacks, lot widths and areas.

Planning staff are of the opinion that the proposed severance to create a new lot for a single detached dwelling meets the objectives for the residential land use designations. Further, the proposed severed and retained lots have an overall built form that is compatible with the surrounding established residential area.

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. Both the severed and retained lot will have access to and front on an existing public road.

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. The lot configuration will also allow the existing triplex to remain on the retained parcel along with the required surface parking. In addition, the proposed lot line has been set on a partial curve to accommodate a vertical slope (grade changes) and retaining walls in the area. The applicant's engineer and surveyor have discussed the proposed lot line with Engineering staff who have indicated no concerns with the severance proposal subject to the recommended conditions being satisfied.

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. It is noted several of the existing lots on Grove Street have irregular lot shapes. Further, the proposed development can be serviced by existing infrastructure and public and private amenities such as schools, parks and access to Downtown Guelph.

The subject lands are zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended, which permits single detached dwellings. The existing triplex is noted to be a legal non-confirming use. The proposed severance will create one new residential building lot for a new single detached dwelling. The proposed "retained" and "severed" parcels will have lot frontages and lot areas which exceed all of the minimum requirements of the R.1B Zone.

Staff are satisfied that the proposed severance meet the Consent policies of the Official Plan and subdivision criteria as outlined in section 51(24) of the Planning Act. Further, Planning staff have reviewed engineering comments and conditions and are in support of their conditions.

Planning staff recommend approval of the consent application subject to the conditions noted above.

A-15/21: Minor Variance

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.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. The R.1B zone permits single detached dwellings and other related accessory uses.

The applicant is requesting two variances to relocate the driveway and off-street parking area as part of maintaining an existing legal non-confirming triplex (apartment) on the retained parcel of a proposed severance (File B-5/21). The two variances are:

- a) to permit the required parking spaces to be located in front of the front wall of the existing triplex building, whereas every required parking space is to be located a minimum distance of 6 metres from the street line and behind the rear of the front wall; and,
- b) to permit a maximum driveway width of 11.5 metres, whereas driveways are limited to a maximum width of 6.5 metres.

As a result of a proposed severance to create a new lot for a single detached dwelling to the east, the new lot configuration requires the existing driveway and associated parking area for the triplex to be relocated and rebuilt. The vertical slope (grade) and existing public and private retaining walls are also required to be removed and rebuilt to accommodate the new lot line. Existing parking for the retained parcel currently exists in the front yard with a driveway wider than the 6.5 metre maximum.

Planning staff are of the opinion that the proposed driveway and parking configuration for the triplex is an improvement over the current location and will continue to be in a similar location to what currently exists on the retained parcel. The location of the triplex and vertical slope of the subject lands requires parking to be located in the front yard with an angled driveway to Grove Street. Considering the relocated parking spaces in the front yard of the subject lands will result in a 11.5 metre maximum width. The requested increased maximum driveway width will allow for vehicles to maneuver to and from the parking spaces.

The requested variances maintain the general intent and purpose of the Official Plan and Zoning By-law, are considered desirable for the development of the land and are considered to be minor in nature.

Staff recommend approval of the variances subject to the conditions noted above.

Engineering Services

The applicant proposes to sever the right portion of the subject property to create a new residential lot. The applicant proposes to maintain the existing triplex on the retained parcel and proposes a new detached dwelling on the severed parcel. A related minor variance application has been submitted (file A- 15/21, see attached) as the driveway of the retained parcel is proposed to be widened to allow for four (4) parking spaces to be located in the front yard. The applicant proposes to sever a parcel of land with frontage along Grove Street of 15.3 metres and an area of 566 square metres. The retained parcel will have frontage along Grove Street of 21.5 metres and an area of 922 square metres.

The applicant proposes to cut a section of the City's retaining wall to construct a new driveway for the retained lands. The applicant's agent has provided a structural report from Tacoma Engineers, which states that removing this section of the wall, as shown in the attached report, will not negatively impact the retained lengths of the wall. In addition, the existing stairway entering Grove street is considered a safety hazard and will need to be removed.

Staff continue to have concerns with the reconstruction and the regrading of the lands once the retaining wall is removed. There are recommendations provided in the structural report as such engineering can support the application and recommends that this application be approved with the conditions noted above.

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

A-15/21: Minor Variance

Engineering has no concerns with the requested variances.

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

Building Services

This property is located in the Residential (R.1B) Zone. The applicant is proposing to sever the right portion of the subject property to create a new residential lot. The applicant is proposing to maintain the existing triplex on the retained parcel and is proposing a new detached dwelling on the severed parcel. The applicant proposes to sever a parcel of land with frontage along Grove Street of 15.3 metres and an area of 566 square metres. The retained parcel will have frontage along Grove Street of 21.5 metres and an area of 922 square metres.

Building Services has no objection to the applications.

Bell Canada

Bell Canada has no concerns with application for Consent B-15/21 regarding 18-20 Grove Street.

Comments from the Public

Yes (See Attached)

Contact Information

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

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