

# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: B-15/21 and A-37/21  
Location: 15 Stevenson Street North  
Hearing Date: July 8, 2021  
Owner: Russitx Ventures Corporation  
Agent: Jeff Buisman, Van Harten Surveying Inc.  
Official Plan Designation: Low Density Residential  
Zoning: Specialized Residential Single Detached (R.1D-15) Zone

### B-15/21: Consent

**Request:** The applicant proposes to sever a parcel of land with frontage along Stevenson Street North of 11.5 metres, a depth of 29.6 metres, and an area of 349 square metres. The retained parcel will have frontage along Stevenson Street North of 10.9 metres, a depth of 29.6 metres, and an area of 323 square metres.

### A-37/21: Minor Variance

**By-Law Requirements:** The By-law requires that, in a 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.

**Request:** The applicant is seeking relief from the By-law requirements to permit the required parking space on the proposed severed parcel to be located a minimum of 5.7 metres from the street line.

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## Staff Recommendation

**B-15/21: Consent - Approval with Conditions**

**A-37/21: Minor Variance - Approval**

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## Recommended Conditions

### B-15/21: 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 retained parcel indicating the location of the new dwelling.

2. That prior to the issuance of a building permit, elevation and design drawings for the new dwelling on the retained parcel shall be submitted to, and approved by the General Manager of Planning and Building Services. The elevation and design drawings shall show a street fronting door.

### **Engineering Services**

3. That prior to the issuance of a building permit, the Owner(s) shall provide a servicing plan, showing the lateral service connections to the City's infrastructure for review and approval for the retained lands (new dwelling), to the satisfaction of the General Manager/City Engineer.
4. 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.
5. That prior to the issuance of a building permit, the Owner(s) provide a grading plan for the retained lands (new dwelling) to the satisfaction of the General Manager/City Engineer.
6. That the Owner(s) agree to discharge the roof water leaders and sump pump of the proposed new dwelling on the retained parcel to grade at the property's front yard towards Stevenson Street. The existing grading pattern shall be maintained and shall not adversely impact adjacent lands.
7. That prior to the issuance of a building permit, the Owner(s) shall provide an erosion and sediment control plan to the to the satisfaction of the General Manager/City Engineer.
8. That prior to any construction or grading on the lands, the owners shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer.
9. That prior to the issuance of a building permit, the Owner(s) shall pay the City the actual cost of construction of municipal services within the City's right-of-way, including such items as sanitary, water and storm laterals, driveways, curb cuts and/or curb fills, sidewalk and boulevard restoration.
10. That prior to the issuance of a building permit, the Owner(s) shall submit a stormwater management brief for the retained lands.
11. That prior to the issuance of a building permit, the Owner(s) agree to apply and obtain an entrance permit for the new proposed driveway.

### **Committee of Adjustment Administration**

12. That prior to the issuance of the Certificate of Official, the Owner(s) 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.

13. 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.
14. 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.
15. 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)).
16. 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-37/21: Minor Variance**

None

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## **Comments**

### **Planning Services**

#### **B-15/21: 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.

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 severance meets the objectives for the residential land use designation, and that the proposed severed and retained lots built form is compatible with the surrounding established residential area.

Official Plan policy 9.3.1.1 outlines development criteria for intensification proposals within existing residential neighbourhoods. Planning staff have evaluated the severance application against this criteria and are satisfied that the proposed severed and retained lots are 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 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, be 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 dwelling for staff review and approval to ensure the new dwelling is 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 severance does not restrict or hinder the ultimate development of the lands. The subject lands were part of a larger Zoning By-law Amendment application that was approved by Council in December 2017. The proposed severance will allow the subject lands to be developed as originally planned through the 2017 Zoning By-law Amendment application. As part of the condition pertaining to elevation/design drawings, staff are including a requirement that the new dwelling contain a street fronting door. This requirement was included in

the staff recommendation report to Council to address neighbourhood concerns regarding compatibility and street presence. This requirement was to be imposed at the time of severance.

**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 reasonable and in the best interest of the community.

The subject property is zoned "Specialized Residential Single Detached" (R.1D-51) according to Zoning By-law (1995)-14864, as amended, which permits single detached dwellings. The proposed "retained" and "severed" parcels will have lot frontages and lot areas which meet or exceed all of the minimum requirements of the R.1D-51 Zone.

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

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

**A-37/21: Minor Variance**

The subject property is 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 requested variance does not conflict with the policies of the Official Plan and is considered to meet the general intent and purpose of the Official Plan.

The subject property is zoned "Specialized Residential Single Detached" (R.1D-51) according to Zoning By-law (1995)-14864, as amended, which permits a single detached dwelling. The applicant has constructed a single detached dwelling with an attached garage. The applicant is requesting a variance to Section 4.13.2.1 of Zoning By-law (1995)-14864, as amended, to permit the required parking space to be located a minimum of 5.7 metres from the street line, whereas, the By-law requires that in a 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.

The intent of this zoning regulation is to ensure there is a consistent streetscape that is not dominated by garages projecting in front of the main dwelling. Based on the public notice sketch, the existing garage is built slightly behind the front porch, thereby allowing the required parking space to meet the intent of this regulation. The requested variance is considered to meet the general intent and purpose of the Zoning By-law and is considered to be desirable for the appropriate development of the land.

The requested variance is 0.3 metres less than the required 6 metre minimum. This is considered to be negligible and therefore can also be considered to be minor in nature.

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 is considered to be minor in nature.

Staff recommend approval of the application.

## **Engineering Services**

### **B-15/21: Consent**

The applicant is proposing to sever the left portion of the subject property to create a new residential lot. The applicant is also proposing to maintain the existing detached dwelling on the severed parcel and to construct a single detached dwelling on the retained parcel. The proposed severed parcel of land will have a frontage along Stevenson Street North of 11.5 metres, a depth of 29.6 metres, and an area of 349 square metres. The retained parcel will have frontage along Stevenson Street North of 10.9 metres, a depth of 29.6 metres, and an area of 323 square metres.

Engineering has no concerns with the requested application subject to the conditions noted above.

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

### **A-37/21: Minor Variance**

Engineering has no concerns with the applicant's request of seeking relief from the By-law requirements to permit the required parking space on the proposed severed parcel to be located a minimum of 5.7 metres from the street line.

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

## **Building Services**

### **B-15/21: Consent**

The property is located in the Specialized Residential Single Detached (R.1D-51) Zone. The applicant is proposing to sever the left portion of the subject property to create a new residential lot. The applicant is also proposing to maintain the existing detached dwelling on the severed parcel and to construct a single detached dwelling on the retained parcel.

Building Services does not object to this application.

### **A-37/21: Minor Variance**

The property is located in the Specialized Residential Single Detached (R.1D-51) Zone. The applicant is seeking relief from the By-law requirements to permit the required parking space on the proposed severed parcel to be located a minimum of 5.7 metres from the street line. Due to the lot reconfiguration resulting from

application B-15/21, a minor variance from Section 4.13.2.1 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this application

### **Bell Canada**

Bell Canada has no concerns with application for Consent file B-15/21 regarding 15 Stevenson Street North.

### **Comments from the Public**

None

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### **Contact Information**

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

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