

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: B-17/21, A-42/21 and A-43/21
Location: 130 Oxford Street
Hearing Date: August 12, 2021
Owner: 1773438 Ontario Inc.
Agent: Nancy Shoemaker, BSR&D Limited
Official Plan Designation: Low Density Residential
Zoning Designation: Residential Single Detached (R.1B) Zone

B-17/21 Consent – Severance [New Lot]

Request: The applicant proposes to sever a parcel of land with frontage along Oxford Street of 13.2 metres and an area of 443.1 square metres. The retained parcel will have frontage along Oxford Street of 13.5 metres and an area of 452.6 square metres.

Minor Variances

By-law Requirements:

The By-law requires:

- a) that lots located within Defined Area Map Number 66 of Schedule "A" of the Zoning By-law shall have a minimum lot frontage of the average lot frontage established by the existing lots within the same city block face, but in no case less than 9 metres; and where the average lot frontage cannot be determined, the minimum lot frontage shall be 15 metres;
- b) that for dwellings located with Defined Area Map Number 66 of Schedule "A" of the Zoning By-law, a minimum front yard or exterior side yard of 6 metres or the average of the setbacks of the adjacent properties;
- c) a minimum lot area of 460 square metres; and
- d) a minimum side yard setback of 1.5 metres for single detached dwellings in a R.1B Zone.

Requests: The applicant is seeking relief from the By-Law requirements:

File A-42/21 - Retained Parcel (Parcel 1)

- a) to permit a minimum lot frontage of 13.5 metres for the proposed retained parcel;

- b) to permit a minimum front yard setback of 2.6 metres for the existing two-storey detached dwelling;
- c) to permit a minimum lot area of 452 square metres for the proposed retained parcel; and
- d) to permit a minimum left side yard setback of 1.2 metres for the existing two-storey detached dwelling.

File A-43/21 – Severed Parcel (Part 2)

- a) to permit a minimum lot frontage of 13.2 metres for the proposed severed parcel; and
 - b) to permit a minimum lot area of 443 square metres for the proposed severed parcel.
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Staff Recommendation

Approval with Conditions

Recommended Conditions

B-17/21 – Severance [New Lot]

Planning Services

1. That prior to the issuance of building permits for both the severed and retained parcels, plan(s) shall be submitted to, and approved by the General Manager of Planning and Building Services that indicates the location of the dwelling, new street tree planting, as well as all off-street parking and access to Oxford Street.
2. That prior to the issuance of a building permit, elevation and design drawings for the new dwelling on the severed and retained parcel shall be submitted to, and approved by the General Manager of Planning and Building Services.

Engineering Services

3. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide a servicing plan, showing the lateral service 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.
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 the Certificate of Official, the Owner(s) provide a grading plan for the severed lots and the retained lands to the satisfaction of the General Manager/City Engineer. Further, the Owner(s) shall demonstrate that

the roof water leaders and sump pump of the proposed new dwelling on the lands severed shall discharge to grade at the property's front yard towards Oxford Street. The existing grading pattern shall be maintained and shall not adversely impact adjacent lands.

6. That prior to the issuance of the Certificate of Official, the Owner(s) shall submit a Site Screening Questionnaire (SSQ), as per the City environmental guidelines.
7. That prior to any construction or grading on the lands, the Owner(s) shall construct, install, and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan submitted to and approved by the General Manager/City Engineer.
8. That prior to the issuance of a building permit on the proposed severed lands, the Owner(s) shall pay the flat rate charge of \$125.00 established by the City for tree planting for the proposed severed lands.
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 new severed lot.
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 driveways.

Committee of Adjustment Administration

12. 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.
13. That minor variance applications A-42/21 and A-43/21 receive approval from the Committee of Adjustment, and that such approval becomes final and binding.
14. 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.
15. 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.
16. 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).

17. 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-42/21 – Retained Parcel (Parcel 1)

Planning Services

1. That the left side yard setback of 1.2 metres apply only to the relocated two-the building footprint of the storey dwelling as shown on the public notice sketch.

Alectra Utilities

2. That prior to issuance of a building permit, the applicant makes arrangements with the ICI & Layouts Department of Alectra Utilities for the possible relocation of the existing overhead hydro service for File A-42/21 as the existing house is being relocated. This would be at the applicant's expense.

Committee of Adjustment Administration

3. That consent application B-17/21 receives final certification of the Secretary-Treasurer and be registered on title.

File A-43/21 – Severed Parcel (Part 2)

Alectra Utilities

1. That prior to issuance of a building permit, the owner makes satisfactory arrangements with the ICI & Layouts Department of Alectra Utilities for the servicing of the new lot. This condition is for File A-43/21 as it is the new severed parcel.

Committee of Adjustment Administration

2. That consent application B-17/21 receives final certification of the Secretary-Treasurer and be registered on title

Comments

Planning Services

B-17/21 – Severance [New Lot]

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. Residential development within the Low Density Residential designation is to have a net density between 15 and 35 units per hectare and a maximum height of three (3) storeys.

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)).

130 Oxford Street is currently developed with one (1) single detached dwelling that was constructed in 1875. The property currently has a total frontage of 26.8 metres. The applicant is proposing to create one (1) new residential lot by severing a 443.2 square metre parcel. This new severed parcel will have a frontage of 13.28 metres on Oxford Street. The retained parcel will be 452.6 square metres have a frontage of 13.56 metres on Oxford Street.

The applicant is proposing to relocate the existing house easterly on the retained parcel and construct a new single detached dwelling on the severed parcel. The existing house is proposed to be moved east on the lands to accommodate a new driveway on the west side. Both dwellings are proposed to have detached garages in the rear yards to accommodate parking. The relocated dwelling on the retained parcel (Part 1) and new house on the severed parcel (Part 2) will result in a net density of 25 units per hectare, which is within the range of the Low Density Residential designation (Policy 9.3.2.3 of the Official Plan).

Planning staff are of the opinion that the proposed severance meets the objectives for the residential land use designations in the Official Plan, and that the overall built form of the new (severed) lot and retained lot is compatible with the surrounding established residential area. Oxford Street is predominantly comprised of properties with single detached dwellings. Lots on the south side of the street and directly adjacent to the subject lands have frontages similar to what is proposed for both the severed and retained parcel. The north side of Oxford Street has single detached lots with larger frontages as well as a larger property developed with an apartment building.

Official Plan policy 9.3.1.1 outlines development criteria for intensification proposals within existing residential neighbourhoods. Planning staff have evaluated the consent application against this criteria and are satisfied that the proposed retained lots and severed lot is consistent with 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. With the exception of an apartment block across the street, all properties surrounding the site on 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. Staff are recommending a condition that the applicant submit plans and elevation/design drawings for the proposed new dwelling and relocated dwelling for staff review and approval to ensure the redevelopment and proposed residential intensification 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 or condominium 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 or condominium has been deemed not to be necessary for the proper and orderly development of the City.

Planning staff are of the opinion that a plan of subdivision is not necessary. The lots front onto an existing public roadway and Engineering staff have confirmed that adequate municipal services are available.

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. Further, the retained lot has been sized to accommodate relocation and preservation of an existing house listed on the City's Municipal Register of Cultural Heritage Properties.

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.

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. The land use, including the resulting net density meet the policies of the Low Density Residential designation in the Official Plan. Further, Planning staff have reviewed engineering comments and conditions and are in support of their conditions.

File A-42/21 – Retained Parcel (Part1)

The retained parcel of the subject lands 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 subject property is zoned “Residential Single Detached” (R.1B) according to Zoning By-law (1995)-14864, as amended, which permits single detached dwellings.

For the retained parcel (Part 1), the applicant is requesting a total of four (4) variances. First, the applicant is requesting a reduction in the minimum lot frontage from 15 metres to 13.5 metres. Second, the applicant is requesting a reduction of the minimum lot area from 460 square metres to 452 square metres. Finally, the applicant is requesting variances related to lot line setbacks, including a reduction to the minimum front yard setback from 6 metres (or the average of the setbacks of adjacent properties) to 2.6 metres as well as a reduction to the minimum side yard setback from 1.5 metres to 1.2 metres.

The first two variances described above are in relation to the size and shape of the lot. The reduction to the frontage and area will result in the retained lot being a similar size to adjacent lots on the south side of Oxford Street. Planning staff are of the opinion that the lot configuration will be consistent and in keeping with the character of the area.

The second set of variances are in relation to reduced front and side yard setbacks. In reviewing houses in the surrounding neighbourhood, Planning staff are of the opinion that they are consistent to other nearby setbacks to existing single detached dwellings. Some houses on this block of Oxford Street have 0 metre side and front yard setbacks. The reduced front yard setback of 2.6 metres was requested by the applicant to maintain the existing setback of the dwelling for when it is moved slightly easterly on the retained lot. This will allow for a new driveway on the west side of the retained parcel. The right-of-way on Oxford Street is 30 metres. With a wide right-of-way on a local street, the relocated house with a reduced front yard setback will have a sufficient separation to the sidewalk, roadway and utilities. The reduced left side yard of 1.2 metres applies to a bump out in the footprint of the existing house. It will also still allow for maintenance and upkeep of the property and house relative to the new lot line. Requests for reduced yard setbacks have been made as part of efforts to preserve and restore the existing house that is listed on the City’s Municipal Register of Cultural Heritage Properties.

Planning staff are of the opinion that these variances are minor in nature, desirable for the appropriate development and use of the lands and meet the general intent and purpose of the Official Plan and Zoning By-law. It is recommended that the Committee approve the minor variance application subject to the condition listed above.

File A-43/21 – Severed Parcel (Part 2)

The severed parcel of the subject lands 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 subject property is zoned “Residential Single Detached” (R.1B) according to Zoning By-law (1995)-14864, as amended, which permits single detached dwellings.

For the severed parcel (Part 2), the applicant is requesting a total of two (2) variances. First, the applicant is requesting a reduction in the minimum lot frontage from 15 metres to 13.2 metres. Second, the applicant is requesting a reduction of the minimum lot area from 460 square metres to 443 square metres.

Similar to the retained parcel, these variances are in relation to the size and shape of the severed parcel. The reduction to the frontage and area will also result in the severed lot being a similar size to adjacent lots on the south side of Oxford Street. Planning staff are of the opinion that the lot configuration will be consistent and in keeping with the character of the area.

Planning staff are of the opinion that these variances are minor in nature, desirable for the appropriate development and use of the lands and meet the general intent and purpose of the Official Plan and Zoning By-law. It is recommended that the Committee approve the minor variance application.

Engineering Services

B-17/21 – Severance [New Lot]

The applicant proposes to sever the left portion of the subject property to create a new residential lot. In addition, the applicant is proposing to relocate the existing two-storey dwelling onto the proposed retained parcel and is proposing a new two-storey detached dwelling on the proposed severed parcel. The severed parcel of land will have a frontage along Oxford Street of 13.2 metres and an area of 443.1 square metres. The retained parcel will have frontage along Oxford Street of 13.5 metres and an area of 452.6 square metres.

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

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

Files A-42/21 and A-43/21 – Minor Variance

Engineering has no concerns with the requested variance applications.

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

Building Services

Building Services has no objections 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 Utilities has reviewed these applications scheduled for the September 9, 2021 hearing and wishes to submit the conditions noted above for the Committee's consideration (see attached).

Bell Canada

Bell Canada has no concerns with application for Consent file B-17/21 for 130 Oxford Street.

Comments from the Public

Yes (see attached)

Contact Information

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