

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: B-23/21 and B-24/21
Location: 167 Alice Street
Hearing Date: November 10, 2021
Owner: Adam Debuck and Jiyeon Oh
Agent: Deb Allen
Official Plan Designation: Mixed Office/Commercial
Zoning Designation: Residential Single Detached (R.1D) Zone

Request: The applicant is proposing the following:

B-23/21 – Proposed Part 1

Severance of a parcel of land to create a new lot with frontage along Alice Street of 11 metres, a depth of 30.5 metres, and an area of 336 square metres.

B-24/21 – Proposed Part 2

Severance of a parcel of land to create a new lot with frontage along Alice Street of 9 metres, a depth of 30.5 metres, and an area of 275 square metres.

The retained parcel (labelled as proposed part 3 on the attached reference plan) is proposed to have frontage along Alice Street of 21.03 metres and an area of 641 square metres.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Files B-23/21 and B-24/21

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" 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" parcels shall be submitted to, and approved by the General Manager of Planning and Building Services.
3. That prior to issuance of a building permit, the Owner shall demonstrate to the satisfaction of the General Manager of Planning and Building Services a commitment to incorporate features into the development that will implement recommendations of the City's Community Energy Initiative (CEI) and the overall goal of becoming a net zero carbon community by 2050.

Engineering Services

4. That prior to the issuance of the 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 the issuance of the 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 agrees to design and construct the new dwellings 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 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.
8. 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 to 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.
9. That the Owner shall pay to 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 to the City the estimated cost of constructing, installing or removal of any service laterals, as determined by the General Manager/City Engineer.
10. 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.
11. That prior to the issuance of Certificate of Official, the Owner shall enter into an agreement with the City, registered on title, satisfactory to the General

Manager/City Engineer, covering the conditions/warning clauses noted in the council report 2020-01, dated August 10, 2020 (Attachment 9) and to develop the site in accordance with the approved plans. The Owner agrees to include the mentioned conditions/warning clauses (from Noise Study Review) on title on the retained and the future severed lands and noise measures are to be specifically identified on the approved permit drawings.

Alectra Utilities

12. That prior to issuance of a building permit, the applicant makes arrangements for provisions of hydro servicing to the two severed parcels, satisfactory to the Engineering Department of Alectra Utilities. The servicing costs would be at the applicant's expense.

Committee of Adjustment Administration

13. 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.
 14. That prior to the issuance of the Certificate of Official, the existing agreement registered June 2, 2021 as Instrument No. WC635782 be released off title at the sole cost of the Owner.
 15. 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.
 16. 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.
 17. 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).
 18. 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.
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Comments

Planning Services

Previous consent applications (files B-12/20 and B-13/20) were conditionally approved at the October 8, 2020 Committee of Adjustment hearing but have lapsed due to the non-fulfilment of conditions. There have been no changes to the consent

applications. Planning staff are recommending the same conditions from 2020, with one addition regarding the development agreement noted by Committee of Adjustment staff.

The subject property is designated "Mixed Office/Commercial" in the Official Plan. This land use designation allows for a variety of freestanding small-scale commercial, office, residential or mixed-use buildings including single detached dwellings. The subject property contains one existing single detached dwelling. A Zoning By-law Amendment (OZS19-006) was approved by Council on August 10, 2020 to change the zoning on the subject lands from the "Specialized Industrial" (B.4-1) Zone to the "Residential Single Detached" (R.1D) Zone. Staff have included a condition requiring the owner to demonstrate a commitment to incorporate features into the development that will implement recommendations of the City's Community Energy Initiative (CEI) and the overall goal of becoming a net zero carbon community by 2050. This condition was included in the August 10, 2020 recommendation report to Council as information to be imposed through the consent applications.

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 severed and retained lots are consistent and meet 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. 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 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 applications conform 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 two new residential lots 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 Consent applications represent a logical and compatible layout of lots that are appropriate to accommodate new single detached dwellings.

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 subject property is less than 0.2 hectares in size and therefore not regulated by the Private Tree By-law. That said, City owned boulevard trees along Alice Street were noted and consistent with the Official Plan, trees and shrubs within the City's right-of-way need to be appropriately considered and protected during any type of construction/works within the dripline. This is especially important for applications which contemplate changes to the City right-of-way (location of driveways, servicing, etc.). Protection of City trees must be optimized as injury or destroying a City tree may not be granted by the City. Any proposal to injure or destroy a tree must be accompanied by a Tree Inventory and Preservation Plan, to the satisfaction of the Manager of Parks Operations and Forestry. 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 applications subject to the above noted conditions applicable to both applications.

Engineering Services

The applicant is proposing to sever the property and create two new residential lots with one retained lot, which currently contains a detached dwelling. Engineering completed the review on the subject property under the Zoning By-law Amendment application file OZS19-006. Engineering has no concerns with the applications, subject to the conditions noted above.

Building Services

Building does not object to these applications and supports the conditions recommended by Planning and Engineering Services.

Alectra Utilities

Alectra Utilities has reviewed this application scheduled for the November 10, 2021 hearing and wishes to submit the condition noted above for the Committee's consideration (see attached). This condition is included to ensure adequate arrangements are made to service the two severed parcels and appropriate financial securities are in place. The servicing costs would be at the applicant's expense.

Committee of Adjustment Administration

A development agreement was registered on title in June of 2021 in accordance with previous conditions imposed by the Committee; however, a new development agreement is required for the current applications, so staff are recommending a condition that requires the previous agreement to be released off title.

Comments from the Public

None

Contact Information

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