

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: B-5/23 and A-25/23
Location: 8 Lynwood Avenue
Hearing Date: April 13, 2023
Owner: 2860215 Ontario Inc. and Wenrob Holding Company Ltd.
Agent: Jeff Buisman, Van Harten Surveying Inc.
Official Plan Designation: Low Density Residential
Zoning Designation: Residential Single Detached (R.1B) Zone

Consent Applications: New Lot

Request: The applicant proposes the following:

File B-5/23 – Proposed Lands to be Severed

The applicant proposes to sever a parcel of land with frontage along Lynwood Avenue of 15.5 metres and an area of 469 square metres.

The retained parcel will have frontage along Lynwood Avenue of 22.4 metres and an area of 877 square metres.

Minor Variance Application

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

File A-25/23 – Retained Parcel

A minimum rear yard setback of 2 metres for the existing dwelling on the retained parcel.

By-law Requirements:

The By-law requires that the minimum rear yard setback be 7.5 metres or 20% of the lot depth [being 6.7 metres], whichever is less, for a dwelling located in the R.1B Zone.

Staff Recommendation

Approval with Conditions

Recommended Conditions

File B-5/23 – New Lot

Planning Services

1. That prior to the issuance of the Certificate of Official, the attached garage shall be demolished to the satisfaction of the Chief Building Official.
2. That prior to the issuance of a building permit, the applicant shall prepare and submit a Tree Inventory and Preservation Plan (TIPP) for any City-owned trees along Lynwood Avenue that may be impacted by the proposed development to the satisfaction of the General Manager of Parks. If any trees are to be removed to accommodate the development, the applicant shall provide compensation either in the form of Cash in Lieu or Replacement Trees, or a combination of the two at the discretion of City staff. The applicant shall contact Forestry staff to confirm requirements prior to preparing the TIPP.

Engineering Services

3. That prior to the issuance of the Certificate of Official, the Owner(s) shall extend the existing sanitary sewer. All costs associated with the design and construction shall be paid by the Owner(s). Further, the Owner(s) agree to obtain all necessary approvals associated with the sanitary sewer to the satisfaction of the General Manager/City Engineer.
4. 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:
 - a) A stormwater management report (Brief) 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";
 - b) Grading/Servicing Plan;
 - c) Erosion and Sediment Control Plan;
 - d) Plan and profile drawings for the new sanitary sewer;
 - e) Design Sheets to be provided for the new sanitary sewer;
 - f) 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.
5. That the Owner(s) agree to pay the actual cost once the work, for the proposed works within the Right of Way are completed, including the restoration costs to the satisfaction of the General Manager/City Engineer.
6. That prior to issuance of the Certificate of Official, the Owner(s) agree to close the existing eastern driveway and pay all restoration works associated with the closure including but not limited to curb cut/fill and boulevard restoration.

7. 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 of the sanitary sewer.
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.
9. That prior to the issuance of a building permit, the Owner(s) pays first the estimated cost and then the actual cost of constructing of new service laterals to the severed and retained land, including but not be limited to the cost of any curb cuts or curb fills required, and all restoration works with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid.
10. 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.
11. That prior to the issuance of any building permit, the Owner shall construct, install, and maintain erosion and sediment control facilities satisfactory to the General Manager/City Engineer, according to a plan submitted to and approved by the General Manager/City Engineer.
12. That prior to the issuance of a building permit, the owner shall provide a stormwater management brief and a lot grading plan for the severed and the retained lands.

Building Services

13. That prior to the issuance of the Certificate of Official, the applicant provide a site plan for the retained parcel showing the driveway in a location that meets the requirements of Zoning By-law (1995)-14864.

Alectra Utilities

14. That prior to issuance of a building permit, the applicant makes arrangement for provision of hydro servicing to the severed parcel, satisfactory to the ICI & Layouts Department of Alectra Utilities. The servicing costs would be at the applicant's expense.

Committee of Adjustment Administration

15. 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.
16. 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.
17. 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.

18. 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@quelp.ca).
19. 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.

Recommended Conditions

File A-25/23 – Minor Variance

Committee of Adjustment Administration

1. That consent application B-5/23 receives final certification of the Secretary-Treasurer and be registered on title.
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Comments

Planning Services

Consent Application

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 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.

Section 9.3 of the Official Plan establishes several objectives for residential areas within the City. Objective 9.3 b) highlights that consideration is to be given to the development of a wide range of housing types, affordability and densities to meet a diversity of lifestyles, and the social needs, health and well-being of current and future residents, throughout the City. Objective 9.3 f) emphasizes the importance of maintaining the general character of built form in existing established residential neighbourhoods while accommodating compatible residential infill and intensification. Objectives 9.3 d), g) and k) emphasize the need to provide residential development in areas that are well connected to existing municipal services and infrastructure and can also achieve transit-supportive and walkable densities.

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.

Policy 10.10.1 of the Official Plan provides criteria that is to be considered when evaluating consent applications and are evaluated below.

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 "severed" parcel provides a reasonable and compatible lot layout that can accommodate a new single detached dwelling 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 severance is considered to be reasonable and in the best interest of the community. 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. This zone permits single detached dwellings, additional residential dwelling units, bed and breakfasts, day care centres, group homes, home occupations, and lodging houses. Although there are properties in the immediate area that exceed the minimum requirements of the Zoning By-law in terms of lot frontage and lot area, exceeding the requirements is not mandatory as the R.1B Zone only requires a minimum lot frontage of 15 metres and a minimum lot area of 460 square metres. These minimums provide

opportunities for the consideration of appropriate intensification and infill. The existing attached garage will need to be removed prior to the issuance of the Certificate of Official to ensure zoning regulations are met. Staff are recommending a condition to this effect.

The subject property is less than 0.2 hectares in size and therefore not regulated by the Private Tree By-law, however, there are City-owned trees fronting Lynwood Avenue that may be impacted. 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. Protection must be optimized as injury or destroying such a tree may not be granted by the City. A condition has been recommended to this effect.

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 above noted conditions.

Minor Variance Application

The subject property is designated "Low Density Residential" in the Official Plan. The "Low Density Residential" land use designation permits single detached residential uses. The applicant has requested a variance for a reduced rear yard setback for the "retained" parcel containing the existing dwelling. The requested variance for a reduced rear yard setback on the "retained" lot facilitates the use of the existing lot and the creation of an infill lot in compliance with Official Plan policies. The requested variance conforms to the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to demolish the garage attached to the existing dwelling on the "retained" lot to provide a rear yard setback of 2.0 metres from the "severed" lot. The applicant is requesting a variance to permit the reduced rear yard setback of 2.0 meters, whereas Table 5.1.2, Row 8 of the Zoning By-law requires a minimum rear yard setback of 6.7 metres (20% of the lot depth). Since the "retained" parcel with the existing dwelling is a corner lot, the technical rear yard as per the Zoning By-law definition functions as an interior side yard for the existing dwelling and exceeds the required minimum side yard requirement of 1.5 metres. There is also adequate fenced in space located in the technical front yard that provides outdoor amenity area. The requested variance is considered to meet the general intent and purpose of the Zoning By-law.

A reduction to the rear yard setback of 4.7 metres will not restrict the use of the existing lot, proposed new lot and current neighbourhood. Staff believe that the existing lot with a reduced rear yard setback of 2.0 metres will not adversely impact the surrounding area in an unacceptable way because the site can still adequately function and accommodate the existing single detached dwelling. The

requested variance is considered to be desirable for the appropriate development of the land and is also 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

The applicant proposes to sever a parcel of land with frontage along Lynwood Avenue of 15.5 metres and an area of 469 square metres. The retained parcel is proposed to have frontage along Edinburgh Road South of 22.4 metres and an area of 877 square metres.

Engineering Staff have reviewed the application and has no concerns with the severance application at 8 Lynwood Ave subject to the above noted conditions are imposed. Please note during the review of this application staff discovered that there is no sanitary sewer along the frontage of the proposed lot. As such, engineering will require the applicant to extend the sanitary sewer to ensure compliance with the zoning bylaw.

Additionally, engineering will not support the location of the proposed driveway on the retained parcel as shown on the sketch as it will conflict with the City's development engineering manual in term of the setback distance required from the intersection. Engineering will support the existing driveway location located on west side of the retained lands and will require the applicant to close the easternly driveway location.

Engineering has no concerns with the variance application.

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

Building Services

The subject property is in the Residential Single Detached (R.1B) Zone which permits single detached dwellings. The applicant is proposing to sever the property and create one new residential lot with one retained residential lot (a total of 2 lots). The existing single detached dwelling is proposed to be retained but the existing garage is proposed to be demolished.

The proposed driveway location as shown on the retained lands is requested to be removed by engineering. The proposed driveway location as shown also does not meet zoning requirements as it is located in the technical front yard of the retained parcel in front of the dwelling. Building and Zoning staff require the driveway to be placed in a location that meets the requirements of the zoning by-law.

Note that a building permit will be required prior to the demolition and reconstruction of the wall of the retained dwelling, at which time requirements under the Ontario Building Code will be reviewed. A building permit will be required prior to the construction of the new dwelling.

Building Services supports Planning and Engineering recommendations subject to the requested condition.

Comments from the Public

Yes (See Attached)

Contact Information

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