



## Ramsay Planning Inc.

(Email Only)

April 5, 2023

Chairman and Members  
Committee of Adjustment  
City of Guelph

Dear Sirs and Madams:

**Re: Consent and Minor Variance Applications 8 Lynwood Avenue, Guelph, ON**  
**City Files: A25.23 and B5.23**  
**Our File No. 2317**

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Allan Ramsay Planning Associates Inc. has been retained by the Alex Somos ("**Somos**") to provide a land-use planning opinion with respect to consent and minor variance applications (the "**Applications**") at 8 Lynwood Avenue (the "**Subject Lands**" or the "**Site**"). Somos is the owner and resident of the abutting property at 12 Lynwood Avenue. The Applications, submitted on behalf of 2860215 Ontario Inc ("**Applicant**"), involve a proposal to create one new residential lot with one retained residential lot and a related variance for a reduced rear yard setback for the proposed retained lot.

### **Background:**

#### (i) Proposed Development and Application

The Applicant is proposing to sever a parcel of land with frontage along Lynwood Avenue of 15.5 m and an area of 469 m<sup>2</sup>. The retained parcel is proposed to have frontage along Edinburgh Road South of 22.4 m and an area of 877 m<sup>2</sup>. A new detached dwelling is to be constructed on the proposed severed lands and the Applicant is proposing to keep the existing dwelling on the proposed retained lands and remove the existing attached garage.

A minor variance application has been submitted for the retained lot to permit a reduced rear yard setback of 2.0 m to the existing dwelling whereas 6.7 m is required.

#### (ii) Subject Lands and Surrounding Area

The Subject Lands is an irregularly shaped corner lot located on the south-west corner of Lynwood Avenue and Edinburgh Road. The Site has a lot area 1345 m<sup>2</sup> and is occupied by a one-storey, single-detached dwelling. The dwelling is located on the centre of the Site and is setback approximately 16.2 m from Edinburgh Road, approximately 13.1 m from Lynwood Avenue and approximately 13.9 m from the westerly property line. Driveway access to the site is provided from Lynwood Ave. Mature trees are found along the perimeter of the Site and within in the yard adjacent to the Somos property.

The Subject Lands are part of a subdivision was initially developed in the 1960s and known locally as the Lynwood neighbourhood (the "**Neighbourhood Area**"). The Neighbourhood Area



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is a small residential enclave made up of 22 lots along Lynwood Avenue and Lynwood Place. The neighbourhood area is characterized by large lots with a mix of one storey, ranch style homes and larger two storey homes. Most of the homes are the original dwellings built when the subdivision was initially developed. However, some homes have been renovated with additions, including some two storey additions. The neighbourhood area has an open space feel as the homes have generous setbacks and there is mature vegetation and trees throughout the area.

Table 1 provides an overview of lot size characteristics found within the neighbourhood area. All of the neighbourhood area lots are well above the minimum lot area requirements of 460 m<sup>2</sup>. In fact, the smallest lot in the Neighbourhood Area is approximately three times larger than the proposed severed lot (1180 m<sup>2</sup> vs 469 m<sup>2</sup>) and approximately 35% larger than the proposed retained lot (1180 m<sup>2</sup> vs 877 m<sup>2</sup>). The proposed severed and retained lots will be the smallest within the neighbourhood area.

**Table 1 – Lot Area Summary Neighbourhood Area**

Address	Lot Area (m <sup>2</sup> )	Summary
35 Lynwood Pl	3214	<b>R.1B Zone Requirements</b> Min. Required Lot Area 460 m <sup>2</sup>  <u>Lot Area Summary</u> Smallest Lot Area 1180 m <sup>2</sup> Largest Lot Area 3214 m <sup>2</sup> Avg Lot Area 1906.3 m <sup>2</sup>
27 Lynwood Pl	2834	
39 Lynwood Pl	2799	
55 Lynwood Ave	2624	
37 Lynwood Pl	2428	
53 Lynwood Ave	2319	
29 Lynwood Pl	2146	
50 Lynwood Ave	2044	
60 Lynwood Ave	1917	
23 Lynwood Pl	1843	
31 Lynwood Pl	1841	
61 Lynwood Ave	1827	
19 Lynwood Pl	1632	
11 Lynwood Pl	1593	
7 Lynwood Ave	1582	
41 Lynwood Pl	1561	
15 Lynwood Pl	1534	
49 Lynwood Ave	1480	
177 College Ave	1432	
9 Lynwood Ave	1402	
45 Lynwood Pl	1349	
12 Lynwood Ave	1264	
8 Lynwood Ave	1180	

Source: Compiled/calculated from City of Guelph GIS files.



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Table 2 provides an overview of lot frontage characteristics found within the neighbourhood area. All of the neighbourhood area lots have frontages well above the minimum lot frontage requirements of 15 m for a lot containing a detached dwelling in a R.1B Zone. With a frontage of 15.5 m the proposed severed lots will have the smallest frontage within the neighbourhood area. The retained lot will maintain the current frontage of 22.4 m.

**Table 2 – Lot Frontage Summary Neighbourhood Area**

Address	Lot Frontage (m)	Summary
31 Lynwood Pl	19.4	<u>R.1B Zone Requirements</u> Min. Required Frontage 15 m
23 Lynwood Pl	21	
41 Lynwood Pl	21	
35 Lynwood Pl	21.1	
27 Lynwood Pl	21.6	
29 Lynwood Pl	21.6	
39 Lynwood Pl	22.1	
8 Lynwood Ave	22.4	
37 Lynwood Pl	22.8	
19 Lynwood Pl	23.1	
53 Lynwood Ave	23.2	
55 Lynwood Ave	23.8	
60 Lynwood Ave	23.8	
61 Lynwood Ave	23.9	
15 Lynwood Pl	25.6	
9 Lynwood Ave	26.6	<u>Lot Area Summary</u> Smallest Frontage 19.4 m Largest Frontage 37 m Avg Frontage 24.3 m
177 College Ave	27.3	
7 Lynwood Ave	28.6	
45 Lynwood Pl	31.0	
12 Lynwood Ave	37	
49 Lynwood Ave ***	46.3	
11 Lynwood Pl ***	57.4	
50 Lynwood Ave ***	63.4	

Source: Compiled/calculated from City of Guelph GIS files.

Note \*\*\* Lot frontages on these lots are not comparable to the Subject Lands and have not been included in the lot summary analysis.

The information presented in Table 1 and Table 2 demonstrates the distinct character found within the surrounding neighborhood area. The Subject Lands are located within an area distinguished by detached dwellings on large lots with large lot frontages.

Lot severances have generally not occurred within the surrounding neighbourhood.



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### Planning Analysis

#### (i) City of Guelph Official Plan

Under the City of Guelph Official Plan (the “**City OP**”) the Subject Lands are within the Built-up Area shown on Schedule 1, Growth Plan Elements and are designated as Low Density Residential on Schedule 2, Land Use Plan.

According to the Glossary section of the City OP development includes the “creation of a new lot” as well as “the construction of buildings requiring approval under the *Planning Act*” and compatible is defined as “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 unacceptable adverse impact”.

Section 3.7 indicates that within the Built-up Area the City will promote and facilitate intensification, however, the focus of intensification is within the urban growth centre (Downtown), the community mixed use nodes, and intensification corridors identified on Schedule 1.

Section 9.3 sets out objectives for lands designated under the various residential land use designations. Relevant to the current consent application are the following objectives:

- “d) To provide for higher densities of residential *development* in appropriate locations to ensure that *transit-supportive* densities, *compact urban form*, *walkable communities* and energy efficiencies are achieved.
- f) To maintain the general character of built form in existing established residential neighbourhoods while accommodating *compatible* residential infill and *intensification*.
- i) To ensure new *development* is *compatible* with the surrounding land uses and the general character of neighbourhoods.”

As outlined above the Lynnwood neighbourhood is a small enclave with a unique character. Lots are quite large and substantially exceed the minimum lot area and lot frontage requirements of the zoning by-law. These larger lot sizes lead to generous setbacks and an open space feel to the neighbourhood area. The proposed consent to create two undersized lots and the proposed variance to permit a reduced rear yard setback do not conform with the above objectives. With respect to objective 9.3 d) the Lynnwood area is not intended as a location for higher densities that will contribute to transit-supportive densities, compact urban form, walkable, communities, and energy efficiencies.



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The consent and minor variance will not maintain the general character of the built form in the neighborhood area as required by objective 9.3 f). The undersized lots coupled with minimum and/or reduced setbacks will result in a built form that is out of place with existing development. The proposal will not maintain the existing built form.

The consent, if approved, will result in a lotting pattern that does not conform with objective 9.3 i) and will not be compatible with the surrounding land uses and the general character of the neighbourhood. As mentioned above, the proposed lots are substantially undersized in comparison to the much larger lots found within the Lynnwood neighbourhood area enclave.

Section 9.3.1.1 establishes development criteria to assess intensification proposals within existing residential neighbourhoods. In my opinion the proposed consent does not conform with the following criterion of section 9.3.1.1:

Provision	Analysis/Comment
1. Building form, scale, height, setbacks, massing, appearance and siting are <i>compatible</i> in design, character and orientation with buildings in the immediate vicinity	<ul style="list-style-type: none"> <li>- the size of the proposed lots, coupled with the location of the existing dwelling on the retained lands and the new dwelling on the severed lands, will result in development that will not be compatible with the design, character and orientation of buildings within the neighbourhood area. According to the severance and minor variance sketch there will be 3.6 m separation between the between the proposed dwellings. This separation does not reflect the more generous separations found throughout the neighbourhood area. For example, opposite the Subject Lands the dwellings at 7 and 11 Lynwood Avenue have a separation of approximately 12.3 m while the dwellings immediately to the west at 12 and 16 Lynwood Avenue have a separation of approximately 16.8 m.</li> <li>- as detailed below, the siting of the proposed 'rear yard' amenity area on the retained lands in the front yard between the street and dwelling is out of the character with the neighbourhood area.</li> <li>- locating a new dwelling on the lands to be severed will contribute to privacy and possibly access to light issues on the Somos property.</li> </ul>
2. Proposals for residential lot infill will be <i>compatible</i> with the general frontage of lots in the immediate vicinity.	<ul style="list-style-type: none"> <li>- as indicated Table 2 the frontage of proposed severed lands will not be compatible with the general frontage of lots in the immediate vicinity.</li> </ul>



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Provision	Analysis/Comment
	The proposed 15.5 m frontage will be the smallest in the neighbourhood area.
6. That adequate municipal <i>infrastructure</i> , services and amenity areas for residents can be provided.	- the configuration of the retained lot and the siting of the existing dwelling on the lot creates a unique and undesirable situation for the 'rear yard' amenity area. According to the severance and minor variance sketch the rear yard amenity space will be situated in the front yard between the street and the dwelling. While it is common for corner lots to have amenity spaces visible from the street (i.e., from the flankage yard) these areas are normally located behind the dwelling. This unconventional and undesirable situation is due to the existing dwelling will be located, 2 m from the rear (westerly) property line and 4 m from the side (southerly) property line.
9. Impacts on adjacent properties are minimized in relation to grading, drainage, location of service areas and microclimatic conditions, such as wind and shadowing.	- the applicant has not submitted a grading and/or drainage plan that demonstrates the consent will not result in drainage impacts on the adjacent properties.

Section 10.10.1 2(i) directs the Committee of Adjustment, when reviewing an application for consent, to consider all of the criteria for plans of subdivision or condominium as set out in Section 10.9 of the City OP. In my opinion the proposed consent does not conform with the following criterion of Section 10.9.1:

Provision	Analysis/Comment
i) The plan conforms to the objectives, targets, policies, and land-use designations of this plan.	- as outlined above the proposed development does not conform with several objectives and policies of the City OP.
vii) The plan is considered to be necessary, timely, and in the public interest.	- the proposed consent is not in the public interest as it will result in incompatible development within the Lynwood neighbourhood area.

Overall, the proposal does not conform with the objectives and policies of the City OP that require intensification within established neighbourhoods to be compatible with the surrounding land uses and character. The Lynwood neighbourhood area is a unique enclave made up of detached dwellings on large lots with generous setbacks. The open space character of the area



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sets it apart of other neighbourhoods. In my opinion the proposed development does not reflect the character of the neighbourhood area. The proposal is attempting to “shoe-horn” an additional lot onto the Site. In order to do so, the proposed lots will be the smallest in the area.

### (ii) City of Guelph Zoning By-law

The Subject Lands are zoned as a Residential Single Detached “R.1B” Zone. The R.B1 Zone permits single detached dwellings and requires a minimum lot frontage pf 15 m and a minimum lot area of 460 m<sup>2</sup>. The proposed development complies with the minimum lot area and lot frontages regulations of the R.1B Zone. However, as noted in Table 1 and Table 2, development in the Lynwood neighbourhood area has occurred well in excess of the minimum lot area and lot frontage requirements of the R.B1 Zone.

The R.1B Zone requires a rear yard setback that is equivalent 7.5 m or 20% of the lot depth, whichever is less. The 2 m rear yard setback on the retained lot does not comply with this regulation.

### (iii) Matters of Provincial Interest, Provincial Policy Statement and the Growth Plan

Provincial policies are expressed through the consideration of the matters of Provincial Interest set out in Section 2 of the *Planning Act*, the Provincial Policy Statement (2020) and the Growth Plan for the Greater Golden Horseshoe (2020). The consent and variance applications are of a local planning interest and do not raise issues of a Provincial interest.

### (iv) Planning Act Considerations: Section 51(24) Subdivision Criteria

In assessing a consent application, the *Planning Act* requires regard be given to the criteria of Section 51(24) of the *Planning Act*. In my opinion, the proposed consent does not have regard for items (b), (c) and (f) of Section 51(24) as follows:

Provision	Analysis/Comment
(b) whether the proposed subdivision is premature or in the public interest;	- the proposed lot severance is not in the public interest as it will result in incompatible development in the surrounding neighbourhood.
(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;	- as noted above, the proposed lot severance does not conform with policies of the City OP requiring intensification within established neighbourhoods to be compatible with the surrounding land uses and character. - furthermore, the proposed lot severance does not conform with the policies of the City OP generally





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Provision	Analysis/Comment
	requiring the residential lot infill to be compatible with the general frontage of lots in the immediate vicinity.
(f) the dimensions and shapes of the proposed lots;	- the proposed lots will create regularly shaped lots, however, these lots will be undersized in relation to the generally much larger lots in the surrounding neighbourhood.

(v) Planning Act Considerations: Section 45(1) (Minor Variances):

The application has been submitted under Section 45(1) of the *Planning Act*. A minor variance application must satisfy the four tests prescribed by section 45(1) of the *Planning Act*. Those tests are:

- Does it maintain the general intent and purpose of the Official Plan;
- Does it maintain the general intent and purpose of the Zoning By-law;
- Is the application minor; and
- Is it desirable for the appropriate development or use of the land, building, or structure.

**Variance - to permit a rear yard setback of 2.0 m whereas Table 5.1.2 Row 8 of Zoning By-law (1995)-14864, as amended, requires a 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.**

My evaluation of the minor variance application is set out below:

- General Intent and Purpose of the Official Plan – as discussed above several policies of the City OP require new development to “maintain the general character of built form in existing established residential neighbourhoods” and be “compatible with the surrounding land uses and the general character of neighbourhoods”. The intent of these policies is to ensure new development fits harmoniously with the established character of the area. While this doesn’t imply neighbourhoods are static, any change within a neighbourhood must be done in manner that is compatible to the existing and planned neighbourhood character. The proposed variance to allow reduced a rear yard setback will facilitate a change in character of the neighbourhood. Rear yard amenity areas are generally found in rear yards and, in the case of some corner lots , in the side yard behind the dwelling.





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The proposed reduction on rear yard setback effectively eliminates the use of the rear yard as an amenity area.

The proposed variances will not maintain the general intent and purpose of the Official Plan.

- (ii) General Intent and Purpose of the Zoning By-law – the intent of the zoning regulation for minimum rear yard setback is to ensure adequate space is provided in the rear yard for amenity purposes. The proposed 2.0 m rear yard (west) setback does provide any opportunity for a functional rear yard amenity area. In the case of corner lots, rear yard amenity areas are often located behind the dwelling in a side yard. This situation is not possible as the existing dwelling on the Subject Lands is located 4.0 m from the side (south) lot line.

Instead, the Applicants are proposing to locate the 'rear yard' amenity area to the front yard between the street (Edinburgh Road) and the dwelling. In my opinion this is an unconventional and undesirable situation and is indicative of the challenge created by the lot creation proposal.

The proposed variance will not maintain the general intent and purpose of the Zoning By-law.

- (iii) Minor – the reduced rear yard (west) setback on the retained lands is not minor. The reduced rear yard setback completely alters the orientation and functionality of the rear yard. The proposed 2.0 m rear yard depth does not for an adequate amenity area. As noted above, the Applicant is proposing to locate the amenity area in the front yard between the street and the dwelling. Locating the amenity area in this location will result in undue adverse streetscape impacts.

In my opinion the proposal for reduced rear yard setback is not minor.

- (iv) Desirable and Appropriate Development – a reduced rear yard setback on the retained lands is not desirable or appropriate for the development of the site and area. The proposed minor variance will facilitate an ad hoc change in the character of the neighbourhood that is defined by detached dwellings on large lots, but also large amenity areas located in rear yards behind dwellings. A rear yard amenity area cannot be accommodated within the proposed rear yard setback of 2.0 m. The Applicant is proposing to situate the amenity area in the front yard between the existing dwelling and the street (Edinburgh Road). Such a location is neither appropriate nor desirable for the area and will inevitably lead to streetscape impacts.

The purpose of the proposed minor variance is to reduce the rear yard setback in order to sever a new lot from the Subject Lands. If the full 7.5 m rear yard setback was provided on the lands to be retained, then the lot frontage and lot area of the



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lands to be severed would be reduced to approximately 10.2 m and approximately 309 m<sup>2</sup> respectively. By reducing the rear yard setback on the lands to be retained the lot frontage and lot area on the lands to be severed can be increased to 15.5 m and 469 m<sup>2</sup> respectively.

In my opinion, the need to reduce the rear yard setback requirement highlights how the proposed lot creation is an overdevelopment of the site. The reduced rear yard setback is required in order to “shoehorn” an additional lot and dwelling onto the Subject Lands.

The proposal to effectively eliminate the amenity area from the rear yard is not desirable for the development of the area.

In my opinion the request to permit a reduction on the rear yard setback on the retained lands does not satisfy the requirements of Section 45(1) of the Planning Act. The proposed minor variance does not maintain the general intent and purpose of the relevant Official Plan policies and the Zoning By-law, is not minor and is not appropriate for the development of the Subject Lands and area.

### Conclusion and Recommendation

The proposal to create an additional lot and permit a reduced rear yard setback on the retained lands does not conform with policies in the City OP that require development maintain the general character of built form in existing established residential neighbourhoods and be compatible with the surrounding land uses and the general character of neighbourhoods.

Overall, it is my recommendation that the proposed consent and variance application should be denied.

If you have any questions or require further information, please do not hesitate to contact the undersigned.

Yours truly,

Allan Ramsay, MCIP, RPP  
Principal,

Cc Trista Di Lullo, ACST, Secretary-Treasurer, Committee of Adjustment