

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: B-8/23
Location: 51 Hazelwood Drive
Hearing Date: May 11, 2023
Owner: Dr. Bahar Habibullah, AHYDTECH Geomorphic Ltd.
Agent: N/A
Official Plan Designation: Low Density Residential
Zoning Designation (1995)-14864: Residential Single Detached (R.1B)
Zoning Designation (2023)-20790: Low Density Residential 1 (RL.1) Zone

Request: The applicant is requesting permission to sever a parcel of land with frontage along Hazelwood Drive of 17.78 metres and an area of 956.9 square metres. The retained parcel is proposed to have frontage along Hazelwood Drive of 35.56 metres and an area of 1913.8 square metres.

The applicant has provided additional drawings to support the application, see attached.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Planning Services

1. That prior to the issuance of the Certificate of Official, a portion of the existing garage shall be removed to ensure that a minimum 1.5 metre setback for the existing dwelling is met to the satisfaction of the Chief Building Official.
2. That prior to the issuance of the Certificate of Official or prior to undertaking activities which may injure or destroy regulated trees (whichever occurs first), the applicant shall submit a Tree Inventory and Preservation Plan (TIPP) as per the requirements of the City's Tree Technical Manual for review and approval 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 to the City, to the satisfaction of the General Manager/City Engineer, a stormwater management brief for the severed and retained lots that has been designed in accordance with the City of Guelph's Development Engineering Manual.
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, a grading and drainage plan for the severed and retained lots. The grading/drainage plan must be designed in accordance with the City of Guelph's Development Engineering Manual.
5. 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.
6. That prior to the issuance of a building permit, the owner agrees to pay the actual cost of the constructing of the service laterals to the proposed severed lands including the restoration works 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.
7. 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.
8. 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.
9. 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.
10. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide the City with a Site Screening Questionnaire in accordance with the City environmental guidelines, to the satisfaction of the General Manager/City Engineer.

Alectra Utilities

11. That prior to issuance of a building permit, the applicant makes arrangements with the ICI & Layouts Department of Alectra Utilities for the relocation of the existing underground hydro service to the existing dwelling. This would be at the applicant's expense.
12. That prior to issuance of a building permit, the applicant makes arrangement for provision of underground 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

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 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.
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Comments

Planning Services

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.

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)).

The proposed severance will result in one "retained" lot and one "severed" lot that will be developed with a new single detached dwelling in accordance with the Low Density Residential land use designation. Official Plan policy 9.3.1.1 outlines development criteria for intensification proposals within existing residential neighbourhoods. Planning staff have evaluated the severance against this criteria and are satisfied that the severance is consistent and meets all criteria. Staff are satisfied that the proposed new lot can accommodate a new dwelling that is compatible in form, scale, height, setbacks, massing, appearance, parking layout and siting with buildings in the immediate vicinity. The proposed infill development can be fully serviced and will not have an adverse impact on the safe operation of adjacent roads.

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 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 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 proposed development represents a logical and compatible lot layout that is appropriate to accommodate a new single detached dwelling within the Built-up Area.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended, and is zoned "Low Density Residential 1" (RL.1), according to Zoning By-law (2023)-20790, as amended. Both the R.1B and RL.1 Zones require a minimum lot area of 460 square metres and minimum lot frontage of 15 metres. The proposed "severed" and "retained" lots exceed both of these minimum requirements. A portion of the existing garage will need to be demolished as it currently sits over the proposed property line. A condition has been added to ensure it is removed and the minimum side yard setback is met for the dwelling on the retained lot.

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 site is over 0.2 hectares (0.5 acres) in size and therefore regulated under the City's Private Tree By-law. In accordance with the City's Urban Forest Management Plan and City Urban Forest Policies within the Official Plan, the development should seek opportunities to retain existing trees. A Tree Inventory and Preservation Plan, undertaken by a qualified arborist, in accordance with the requirements of the City's Tree Technical Manual will be required. Where preservation is not possible, as agreed to by the City, compensation is required either in the form of Cash in lieu or Replacement Trees, or a combination of the two at the discretion of City staff. Cash in Lieu rates are set out in the Private Tree By-law, while Replacement Tree rates are set out in the Tree Technical Manual (TTM). Staff note that boundary trees between two private properties are governed under the Forestry Act. Boundary trees can not be injured or destroyed without consent of both property owners.

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.

Engineering Services

Engineering has reviewed the application, and from an engineering perspective, the retained and the severed lot can be serviced via municipal infrastructure.

Engineering has no concerns with this application subject to the above-noted conditions are imposed.

Building Services

The subject property is zoned Residential Single Detached (R.1B) under Zoning By-law (1995)-14864, as amended and Low density residential 1 (RL.1) zone under council approved Comprehensive Zoning By-law (2023)-2079, as amended. Both zones permit 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 remain, but a portion of the existing garage is proposed to be demolished. The applicant has confirmed that a single car attached garage will be maintained which will satisfy the requirement for the legal parking space

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

Building Services supports Planning and Engineering recommendations.

Comments from the Public

Yes (See Attached)

Contact Information

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