

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: B-10/23
Location: 61 Hearn Avenue
Hearing Date: July 20, 2023
Owner: Mark Enchin and Rebecca Ann Hatton
Agent: Jeff Buisman, Van Harten Surveying Inc.
Official Plan Designation: Low Density Residential
Zoning Designation (1995)-14864: Residential Single Detached (R.1B) Zone
Zoning Designation (2023)-20790: Low Density Residential 1 (RL.1) Zone

Request: The applicant proposes to sever a parcel of land with frontage along Hearn Avenue of 17.4 metres and an area of 532 square metres. The retained parcel is proposed to have frontage along Hearn Avenue of 15.1 metres and an area of 461 square metres.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Planning Services

1. That prior to the issuance of the Certificate of Official, the existing rear yard shed shall be removed to ensure that a minimum 1.5 metre side yard setback is met to the satisfaction of the Chief Building Official.
2. That prior to the issuance of a building permit or removal/injury of any City-owned or boundary trees (whichever occurs first), the applicant shall prepare and submit a Tree Inventory and Preservation Plan (TIPP) to the satisfaction of the General Manager of Parks. If any City-owned or boundary trees are to be removed/injured 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 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 the Owner constructs the new dwelling at such an elevation that the lowest level of the building can be serviced with a gravity connection to the 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.
7. 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.
8. That prior to the issuance of a building permit on the proposed severed lands, the Owner agrees to pay the estimated cost of all proposed works within the city's right-of-way to the severed and retained lands to the satisfaction of the General Manager/City Engineer. The Owner further agrees to pay the actual costs of all proposed works within the city's right-of-way to the severed and retained lands to the satisfaction of the General Manager/City Engineer.
9. That prior to the issuance of a building permit on the proposed severed lands, 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.
10. That prior to the issuance of a building permit 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.

Alectra Utilities

11. 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 and Layouts Department of Alectra Utilities. The servicing costs would be at the applicant's expense.

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 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.
 14. 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.
 15. 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).
 16. 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. The "Low Density Residential" land use designation applies to residential areas within the built-up areas of the City which are low-density in character. This designation permits a broad range of low-density residential uses, including single detached dwellings, semi-detached dwellings, 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 proposed new residential 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 development can be fully serviced and will not have an adverse impact on the 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 older established areas of the City, providing 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 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 can accommodate a new single detached dwelling within the built-up area of the City.

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) in the Comprehensive Zoning By-law passed by Council on April 18th, 2023. Both the R.1B and RL.1 zones require a minimum lot area of 460 metres squares and a minimum lot frontage of 15 metres. The proposed "retained" and "severed" lots exceed the minimum requirements for lot area and lot frontage. An existing shed will need to be demolished as it currently is located on the proposed property line. A condition has been added to ensure it is removed and the minimum side yard setback is achieved for both the "retained" and "severed" lots.

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 less than 0.2 hectares in size and therefore not regulated by the Private Tree Bylaw. However, there is a City-owned tree (Redbud) fronting Hearn Avenue in which the proposed driveway runs through and boundary trees fronting Chadwick Ave, most notably a very large and mature Black Walnut with a DBH of 100cm and canopy structure that extends well over the property. Consistent with the Official Plan, trees and shrubs within the City's right-of-way, including boundary trees, 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.** Any proposal to injure or destroy a tree must be accompanied by a Tree Inventory and Preservation Plan, to the satisfaction of the General Manager of Parks. Please be aware that 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. A condition has been included 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.

Engineering Services

Engineering has no concerns with application B-10/23 to sever a parcel of land with frontage along Hearn Avenue of 17.4 metres and an area of 532 square metres and

retained parcel having frontage along Hearn Avenue of 15.1 metres and an area of 461 square metres, subject to the above-noted conditions being 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) under council approved Comprehensive Zoning By-law (2023)-2079, as amended. Both zones permit a single detached dwelling. The applicant is proposing to sever the property to create 2 residential properties. A shed which sits on the proposed property line will be removed. Both the retained parcel and the severed parcel meet the minimum lot requirements under both zoning by-laws.

The zoning review of the vacant parcel will be completed during the Building Permit application process. A building permit is required prior to the construction of the new building(s), at which time requirements under the Ontario Building Code will be reviewed.

Building Services has no concerns with the application and supports Planning and Engineering recommendations.

Bell Canada

See attached correspondence received from Bell Canada. Please note that if consent approval is required for the requested easement, a separate consent application will be required.

Comments from the Public

Yes (See Attached)

Contact Information

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