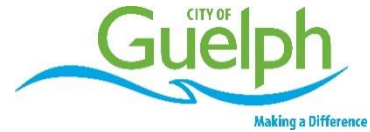


Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: B-26/22, B-27/22, and B-28/22
Location: 105 Victoria Road North
Hearing Date: July 13, 2023
(deferred from the October 13, 2022 hearing)
Owner: Gemini Homes C/O Zenon Alexander Maziarz
Agent: Emily Elliot and Dave Aston, MHBC Planning
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 proposed the following:

File B-26/22 – Proposed Part 2 (Lands to be Severed)

Severance of a parcel of land with frontage along Victoria Road North of 21.33 metres, and an area of 1,042 square metres.

File B-27/22 – Proposed Part 3 (Lands to be Severed)

Severance of a parcel of land with frontage along Cassino Avenue of 105.53 metres, and an area of 9,662.2 square metres.

File B-28/22 – Proposed Part 4 (Lot Addition)

Severance of a parcel of land with an area of 41.8 square metres from 105 Victoria Road North as a lot addition to the rear of the abutting property known as 103 Victoria Road North.

The retained parcel (proposed Part 1, 105 Victoria Road North) will have frontage along Victoria Road North of 48.08 metres and an area of 2,333.7 square metres.

Staff Recommendation

Approval with Conditions

Recommended Conditions

File B-26/22 – Proposed Part 2 (Lands to be Severed)

Planning Services

1. The owner shall provide a site-specific Arborist Report and Tree Inventory and Preservation Plan (TIPP), through the City's Private Tree Bylaw process, satisfactory to the General Manager of Planning and Building Services, prior to any works taking place on site;
2. The owner shall complete a Tree Compensation Plan as per the City's Tree Technical Manual, satisfactory to the General Manager of Planning and Building Services, prior to any works taking place. Should space not be available for compensation trees on site, an alternative site and/or cash-in-lieu compensation can be considered by City staff.

Engineering Services

3. 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, and additionally that the Owner(s) 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(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.
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 stormwater management brief that has been 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 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 and drainage plan must be designed in accordance with the City of Guelph's Development Engineering Manual.
6. That prior to the issuance of the Certificate of Official, the Owner(s) shall convey to the City a 0.30-metre reserve across the entire Victoria Road North frontage of the proposed Part 2 and shall provide a Reference Plan for the dedication of the 0.3-metre reserve to the satisfaction of the City Engineer and the City Solicitor.

7. That prior to the issuance of a building permit on the proposed severed lands, the Owner(s) 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(s) 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.
8. That prior to the issuance of a building permit on the proposed severed lands, the Owner(s) 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 a building permit on the proposed severed lands, the Owner(s) 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 a building permit on the severed lands, the Owner(s) agrees to lift the existing reserve along the flankage of the severed lands (proposed Part 2) on Casino Avenue, to the satisfaction of the City Engineer and the City Solicitor.

Alectra Utilities

11. That prior to issuance of building permits, the owner makes satisfactory arrangements with the Engineering Department of Alectra Utilities for the servicing of the new lot(s). The servicing costs would be at the applicant's expense.
12. That prior to issuance of a building permit, the applicant makes arrangements with the ICI and Layouts Department of Alectra Utilities for the relocation of the existing overhead hydro service to 103 Victoria Road North. This 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 consent application files B-27/22 and B-28/22 receive final certification of the Secretary-Treasurer and be registered on title.
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.

File B-27/22 – Proposed Part 3 (Lands to be Severed)

Engineering Services

1. That prior to the issuance of building permit, the Owner(s) shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of the building, building design, landscaping, parking, traffic circulation, access, lighting, grading and drainage on the said lands to the satisfaction of the General Manager of Planning and the General Manager/City Engineer, prior to any construction or grading on the lands.

Alectra Utilities

2. That prior to issuance of building permits, the owner makes satisfactory arrangements with the Engineering Department of Alectra Utilities for the servicing of the new lot(s). The servicing costs would be at the applicant's expense.
3. That prior to issuance of a building permit, the applicants make arrangements for the disconnection of the existing customer owned overhead pole line feeding 105 Victoria Road North, satisfactory to the ICI and Layouts Department of Alectra Utilities.

Committee of Adjustment Administration

4. 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.

5. That consent application files B-26/22 and B-28/22 receive final certification of the Secretary-Treasurer and be registered on title.
6. 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.
7. 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.
8. 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).
9. 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.

File B-28/22 – Proposed Part 4 (Lot Addition)

Committee of Adjustment Administration

1. That consent application files B-26/22 and B-27/22 receive final certification of the Secretary-Treasurer and be registered on title.
2. 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.
3. 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.
4. 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).

5. 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.
 6. That the Owner shall consolidate the severed parcel with the abutting lands to which the severed parcel is to be added as a single parcel ("the consolidation") and that the Owner's solicitor shall provide a firm undertaking in writing to the Secretary-Treasurer of the Committee of Adjustment for the City of Guelph that the solicitor will attend to the consolidation and will provide within 30 days of the date of registration in the Land Registry Office for Wellington (No. 61), or prior to the issuance of a building permit [if applicable], whichever occurs first, a copy of the registered electronic Transfer document including the Certificate of Official and the registered application Consolidation Parcels document.
 7. That the Transferee take title of the severed lands in the same manner and capacity as he or she holds his or her abutting lands; and that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or any transaction involving the parcel of land that is subject of this consent.
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Comments

Planning Services

The proposed severances will result in one "retained" lot, two "severed" lots and a "lot addition" to the existing 103 Victoria Road. Part 1 on the Site Sketch will be retained and currently has a single detached dwelling. Part 2 will be severed from the larger Part 3; to create a new lot for a single detached dwelling. Part 3 will be developed with a new townhouse complex in accordance with the Low Density Residential land use designation. Part 4 will be added to the existing 103 Victoria Road property and is consistent with the orderly development of the greater site. Appropriate zoning for the townhouse complex and new single dwelling was approved by City Council on June 13, 2023.

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)).

Official Plan policy 9.3.1.1 outlines development criteria for intensification proposals within existing residential neighbourhoods. Planning staff have evaluated the severances against this criteria and are satisfied that the proposed new residential lots can accommodate new dwellings that are 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. Staff have confirmed this through the earlier Zoning Amendment application as the new lots will front onto and be serviced from existing public streets.

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.1A) according to Zoning By-law (1995)-14864, as amended, and is zoned "Low Density Residential 1" (RL.1) in the Comprehensive Zoning By-law (2023)-20790 for Part 2. Part 3 is zoned "Specialized Residential Townhouse" (R.3A-70) according to Zoning By-law (1995)-14864, as amended, and is zoned "Low Density Residential 4" (RL.4-22) in the Comprehensive Zoning By-law (2023)-20790. The proposed "retained" and "severed" lots meet the minimum requirements for lot area and lot frontage.

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 greater than 0.2 hectares in size and is therefore regulated by the Private Tree By-law. The proposed lot to be created at the corner of Victoria Road and Casino Avenue (Part 2 as noted on the Plan) is well treed. As the proposed building envelope encapsulates several existing trees, it is believed that trees on this new lot will need to be removed to construct a new house. Therefore, to ensure appropriate planning, tree retention and any compensation is achieved, as a condition of the severance, an obligation to provide a lot specific Arborist Report and Tree Management Plan as per the Tree Technical Manual to assess and determine appropriate compensation based on a proposed house footprint, servicing and driveway, will be required. The applicant/owner is to contact the City's Landscape Planner for further information and direction.

Staff are not recommending conditions related to the future townhouse development as it is subject to Site Plan Approval under Section 41 of the Planning Act. Site plan approval will be required for the townhouses and all required plans and reports; including but not limited to grading and drainage, servicing, tree preservation, landscaping, and traffic movements will be reviewed through that process.

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.

Engineering Services

Engineering has reviewed application B-26/22 and review was also completed under the Zoning By-law amendment application OZS21-008 and we note that along the flankage of this new proposed parcel there is a 1.0-foot reserve that will need to be lifted. Further, Victoria Road North is identified as an arterial road in the City's

Official Plan. The proposed lot will be a corner lot at the intersection of Victoria Road North and Cassino Avenue which may cause driveway access compliance issues with the city's Development Engineering Manual. As such, the city would prefer the access of the proposed lot to be located on Cassino Avenue. Staff recommend that a 0.3-metre reserve be imposed along the frontage of Victoria Road North of 21.33 metres. Engineering has no concerns with the application B-26/22 of severance of a parcel of land with frontage along Victoria Road North of 21.33 metres, and an area of 1,042 square metres subject to the above noted conditions being imposed.

Engineering has reviewed application B-27/22 and review was also completed under the Zoning By-law amendment application OZS21-008. Several recommendations were made for the subject lands under the Zoning By-law amendment application which will be addressed through Site Plan application under Section 41 of the Planning Act. Engineering has no concerns with the application, subject to the above noted condition being imposed.

Engineering has reviewed application B-28/22 and we note that no new construction is being proposed on the subject lands identified as Part 4 in the sketch. As such, Engineering has no concerns with the application. Please note that all existing drainage patterns shall be maintained.

Building Services

The two properties are subject to an active application for zoning by-law amendment (file OZS21-008). Three consent applications (two severances and one lot line adjustment) are proposed to create a total of four lots. The three proposed lots along Victoria Road North are proposed to each contain a single detached dwelling. The rear parcel with frontage along Cassino Avenue is proposing a cluster townhouse and on-street development.

Building and Zoning staff note that zoning comments on the concept sketch of the proposed townhouse development are provided through zoning by-law amendment application (file OZS21-008).

A demolition permit will be required for the demolition of the detached garage located at the rear of 105 Victoria Road North. A building permit will be required prior to the construction of the proposed new single detached dwelling, at which time requirements under the Ontario Building Code will be reviewed.

Building Services has no objections to the consent applications.

Alectra Utilities

Please see attached correspondence and sketch from Alectra Utilities.

Comments from the Public

None

Contact Information

Committee of Adjustment: City Hall, 1 Carden Street, Guelph ON N1H 3A1

519-822-1260 Extension 2524

cofa@guelph.ca

TTY: 519-826-9771

guelph.ca/cofa