

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number:	B-20/23
Location:	25 Alice Street
Hearing Date:	November 9, 2023
Owner:	Mario and Anthony Cotroneo
Agent:	Claudio Balbinot, Agora Research Group Inc.
Official Plan Designation:	Low Density Residential
Zoning Designation (1995)-14864:	Specialized Residential Semi-Detached/Duplex Residential (R.2-31) Zone
Zoning Designation (2023)-20790:	Low Density Residential 2 (RL.2) Zone

Request: The applicant proposes to sever a parcel of land with frontage along Alice Street of 8.9 metres, a depth of 30.98 metres, and an area of 275 square metres. The retained parcel is proposed to have frontage along Alice Street of 8.9 metres, a depth of 30.98 metres and an area of 275 square metres.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Engineering Services

1. 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 lands that has been prepared in accordance with the City of Guelph's Development Engineering Manual.
2. 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 lands that has been prepared in accordance with the zone change conditions and the City of Guelph's Development Engineering Manual.
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 servicing plan that has been prepared in accordance with the City of Guelph's Development Engineering Manual.

4. That prior to issuance of a building permit, the owner(s) designs 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.
5. That prior to the issuance of a building permit, the owner(s) shall design, construct, install, and maintain erosion and sediment control facilities satisfactory to the General Manager/City Engineer, in accordance with the Developmental Engineering Manual.
6. 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 lands to the satisfaction of the General Manager/City Engineer.
7. 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.

Alectra Utilities

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

Committee of Adjustment Administration

9. 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.
10. 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.
11. 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.
12. 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).

13. 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.

Comments

Planning Services

The proposed severance will result in one "retained" residential lot and one "severed" lot. The existing single detached dwelling and garage will be demolished. Construction of a new semi-detached residential dwelling on the subject property will be in accordance with the Low-Density Residential land use designation, and with the recent Zoning By-law Amendment approved by City Council on September 19th, 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 multi-unit residential buildings and intensification proposals within existing residential neighbourhoods. Planning staff have evaluated the severances against these 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 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 the criteria for plans of subdivision or condominium 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 By-law 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 two new semi-detached dwellings within the built-up area of the City.

The subject property is zoned "Specialized Residential Single Detached" (R.2-31) according to Zoning By-law (1995)-14864, as amended, and is zoned "Low Density Residential 2" (RL.2) in the Comprehensive Zoning By-law (2023)-20790. A zoning by-law amendment to the 1995 Zoning By-law was approved by City Council on September 19th to permit the proposed semi-detached dwellings, reduce the minimum lot frontage to 7.5 metres, and increase the maximum lot coverage to 47% of lot area. The proposed development conforms with the 2023 Zoning By-law as of right.

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.

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. The proposed development will allow for intensification within the built-up area of the City by the creation of one net new dwelling unit in a built form that is similar and compatible with adjacent land use patterns.

Staff recommend approval of the application.

Engineering Services

Engineering has reviewed the requested consent application and recommends the above noted conditions.

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

Building Services

The subject property is zoned Specialized Residential Semi-Detached/Duplex (R.2-31) under Zoning By-law (1995)-14864, as amended and Low Density Residential 1 (RL.2) under Council approved Comprehensive Zoning By-law (2023)-2079, as amended. Both zones permit a semi-detached dwelling.

Council approved Zoning by-law amendment (file number OZS23-004) recently permitted the semi-detached dwelling on the property and included zone regulations which the proposal meets. Under Council approved Comprehensive Zoning By-law (2023)-2079, as amended, the minimum lot frontage is 7.5 m for each unit and the minimum lot area is 230 m² for each unit. The proposal meets this zoning.

Zoning reviewed the proposed site plan layout and has the following notes for the applicant to assist with the proposal meeting zoning requirements at the building permit stage:

- The garage projection may not meet 2023 CZBL By-law requirements if it is more than 2m ahead of the main front wall of the dwelling:

Section 5.11.2 Garage location - (a) Within residential zones, attached garages shall not project beyond the main front wall of the first storey containing habitable floor space oriented towards the front lot line or exterior side lot line abutting a street line. Where a roofed porch is provided, the attached garage may be located ahead of the main front wall, to a maximum projection of 2 metres.
- Section 5.11.3 (b) does permit a surface walkway from the driveway to the front door, but it is to be within 1.5 metres of the nearest foundation and it is not to be used for parking. The proposed walkway on the site plan does not appear to meet this zoning requirement of the 2023 CZBL.
- Porches are permitted to encroach into the 6m required front yard a maximum of 2.4 metres while maintaining a 2 metre setback from the front lot line.

A building permit is required prior to any construction, at which time requirements under the Ontario Building Code will be reviewed.

Building Services supports Planning and Engineering recommendations.

Grand River Conservation Authority (GRCA)

The GRCA has no objection to the proposed consent application. Please see attached correspondence from the GRCA.

Comments from the Public

None

Contact Information

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