

November 6, 2024
33740-24

Attention: Trista Di Lullo, Committee of Adjustment, City of Guelph
Sent via email to: cofa@guelph.ca

Dear Ms. Di Lullo,

Re: Severance & Minor Variance Applications & Sketch
39 Armstrong Avenue
Part of Lots 15 & 16, Plan 397
PIN 71237-0338
City of Guelph

Please find enclosed an application for a severance and two minor variances on the above-mentioned property. Included with this submission are copies of the sketch, the completed severance application form, PIN Report, PIN Map and required deeds. The two minor variance applications have been submitted online through the City of Guelph website. I understand the fees to be \$4,170 for the severance application and \$3,800 for the two variance applications. Please send the invoices once prepared and the owners will arrange for payment.

Proposal:

The proposal is to sever the property known as #39 Armstrong Avenue (PIN 71237-0338) to create a new parcel for urban residential purposes.

The Severed Parcel has a frontage of 10.12m, depth of 24.34m, for an area of 245m² where a single-detached dwelling is proposed. There is an existing detached garage located on this parcel that will be removed to make room for a new dwelling. The existing driveway will have to be adjusted slightly to access the severed parcel.

The Retained Parcel (#39) has a frontage of 17.30m, depth of 24.35m, for an area of 420m² where the existing single detached dwelling will remain. A new driveway is proposed between the two existing trees to provide parking. The general zoning requirements in terms of frontage and area are met.

Currently, based on City of Guelph records, the underground water service for #39 and the underground water service and sanitary services for #45 pass through a portion of the front yard of the severed parcel. During pre-consultation, city engineering staff have advised us that the location of these services will have to be moved.

The proposal maintains an existing original farmhouse dwelling while creating a new lot in an existing neighbourhood with existing services along the road allowance. Given the excellent location of this property in the ward, being near downtown, greenspace, and lots of amenities, we think this proposal provides a great in-fill opportunity.

Official Plan Policy:

The property has an Official Plan designation of Low Density Residential. Section 9.3 of the Official Plan reviews the Objectives of “Residential Uses” such as Low Density Residential and this application aligns with the objectives listed including:

- a) *To ensure that an adequate amount of residential land is available to accommodate the anticipated population growth over the planning horizon.*
- b) *To facilitate the development of a full range of housing types, affordability, densities and tenure to meet a diversity of lifestyles and the social needs, health and well-being of current and future residents, throughout the city.*
- 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.*
- g) *To direct new residential development to areas where municipal services and infrastructure are available or can be provided in an efficient and cost-effective manner.*
- i) *To ensure new development is compatible with the surrounding land uses and the general character of neighbourhoods.*
- k) *To ensure that existing and new residential development is located and designed to facilitate and encourage convenient access to employment, shopping, institutions and recreation by walking, cycling or the use of transit.*
- m) *To encourage conservation and rehabilitation of older housing to maintain housing stock and the character of the established residential neighbourhoods.*

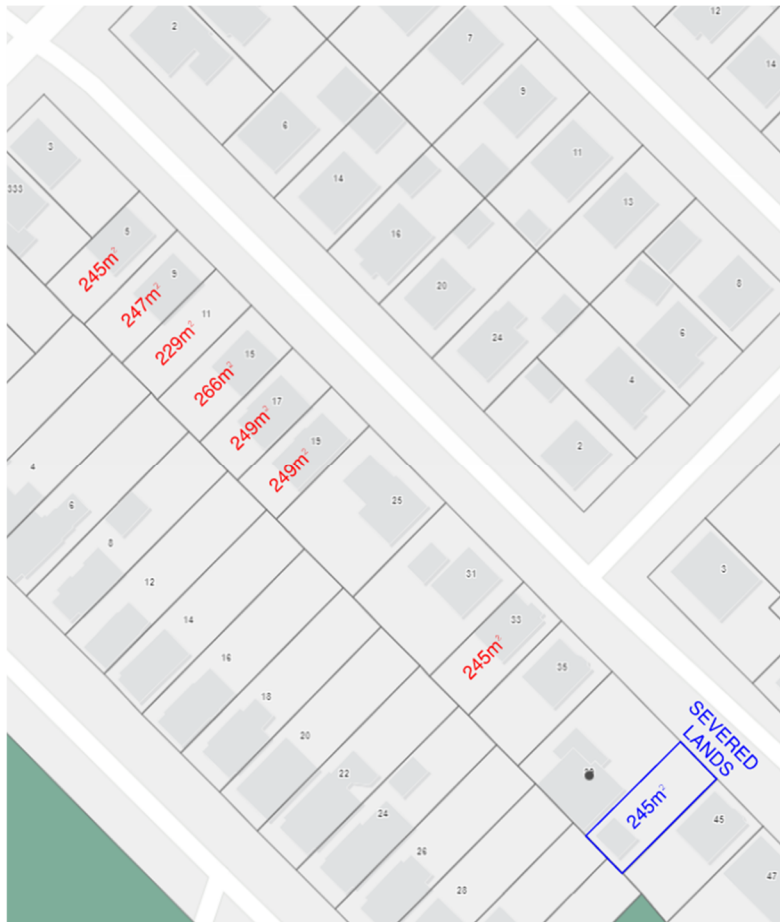
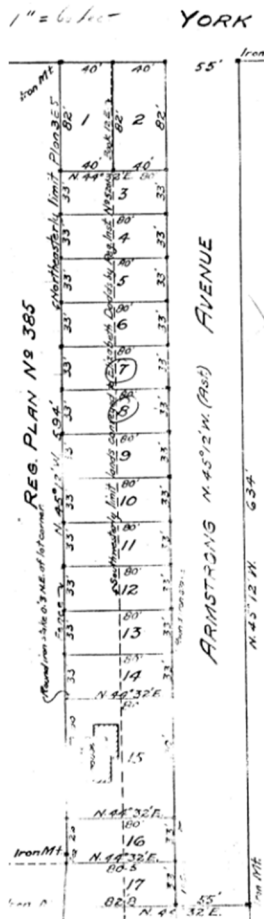
Zoning Policy:

The subject property is zoned Residential RL.2 within the new Zoning By-law (2023)-20790 that was approved by City Council on April 18, 2023. Section 6.1 states that “The purpose of this zone is to accommodate single detached dwellings, semi-detached dwellings and duplex dwellings, as well as small multi-unit residential buildings and on-street townhouses.” The proposed configuration maintains the existing single detached dwelling and adds one more single detached dwelling along a street of primarily single detached dwellings. Almost all of the zoning by-law requirements for RL.2 can be met, however two minor variances are required for the lot area and front yard setback of the severed parcel and three minor variances are required for the retained parcel to address legal non-conforming issues. The variance requests are as follows:

Severed Parcel:

- A) To permit a lot area of 245m² vs 275m² – Table 6.2, Row A
- B) To permit a minimum front yard setback of 4.35m vs 6.00m – Table 6.3, Row C

Minor Variance Request A): We are requesting a lot area for the severed parcel of 89% of the area required by the zoning bylaw. We believe this request is minor and fits with the existing neighbourhood. The configuration of the severed parcel matches the size of the lots created by the original plan. Registered Plan 397 originally created 14 (out of 17) lots that were 33 feet (10.06m) wide by 80' (24.381) deep with areas of about 245m². The severed parcel is almost exactly this size; 10.12m wide, 24.35m deep, and an area of 245m². Over the years, some of these lots have been adjusted and combined to create larger lots, however, there are 7 lots that are around this size. The left image below shows a clip of Registered Plan 397 and the 14 lots it created that were 33 feet wide by 80 feet deep. Lots 3, 4, 7, 8 and 13 are still the original size. Lots 5 & 6 were merged, but were severed in 2014 (application B-20/14). The line between Lots 5 & 6 was adjusted slightly to match constructed features resulting in a severed parcel of 229 m² where a new single detached dwelling was recently constructed. The image on the right below shows the areas of these 7 parcels that front on Armstrong Avenue. We believe that this requested minor variance meets the four tests for a minor variance outlined in the Planning Act and in Section 10.9.2(1) in the Official Plan.



Minor Variance Request B: We are requesting a reduced minimum front yard setback in order for the proposed dwelling to fit in with the current setback pattern on the street. For lots located within the Older Built-up Area Overlay (as this property is), the minimum front yard is the average of the established setbacks of the immediately adjacent lots. For the severed lot, that average is the average of #39 and #45: 8.56m. However, #39 is located in a unique position on its lot compared to the rest of the street. #39 is the original farmhouse that fronted on York Road before the rest of the streets and homes were created. Therefore, we would like to use the average front yard setback of #35 and #45 which is 4.35m. We believe this is a reasonable minor variance and would result in a dwelling with a setback fitting with the rest of the street.

Retained Parcel:

- H) To permit the maximum front yard setback for the existing dwelling to be 14.21m vs 10.0m – Table 6.3, Row A, legal non-conforming
- I) To permit the minimum rear yard to be 0.70m vs 4.88m – Table 6.3, Row D, legal non-conforming
- J) To permit the one required parking space for the uses specified in 5.2.1(a) to be in front of the front wall of the existing main building – Section 5.2.1(a)(i), legal non-conforming

Minor Variance Requests H, I & J: These three issues already exist in the current configuration and would be considered legal non-conforming. The existing house on this property is the original farmhouse that fronted on York Road before the rest of the streets and homes were created. The left image above shows that the dwelling at #39 existed when Registered Plan 397 was created. The reduced rear yard and front yard exceeding the maximum front yard requirement existed well before the zoning bylaw requirements. The proposed severance doesn't change these issues. These variance requests will not negatively impact neighbours as the dwelling has existed for decades.

The third issue is that the existing and proposed driveways are located in the front yard. The current driveway has been in the front yard for decades, but we are proposing a new location for the driveway to accommodate the severed parcel. As mentioned above, the creation of Registered Plan 397 around the existing farmhouse has resulted in the dwelling being positioned at the rear of the lot. Because of this, the location of the home on the lot doesn't allow a good opportunity for a parking space behind the front yard. We believe this minor variance request will not negatively impact neighbours or the neighbourhood.

In addition to the 5 minor variances discussed above, 7 more administrative minor variance requests have been included. These minor variance requests are administrative in nature as the proposal complies with these items, however, they are under appeal and have yet to be resolved at the Ontario Land Tribunal (OLT). Approval of the applications by the Committee will simply enable the proposed development to proceed in advance of the remaining appealed sections being resolved at the OLT.

Severed Parcel:

- B) To permit a minimum interior side yard to be 1.2m on one side of dwelling unit and 0.6m on the other side – Table 6.3, Row C – **under appeal**
- C) Maximum width of attached garage – 50% of the lot frontage or 5m, whichever is greater – Table 5.9, Row 2 – **under appeal**
- D) Maximum driveway width - 50% of the lot frontage or 5m, whichever is greater – Table 5.10, Row 2 – **under appeal**
- E) Garage location – attached garage shall not project beyond the main front wall of the first storey. Where a roofed porch is provided, the attached garage may be located ahead of the main front wall, to a maximum projection of 2m – Section 5.11.2 – **under appeal**
- F) Minimum garage floor area – 20m² – Table 5.2.1. and additional regulation – **under appeal**

Retained Parcel:

- J) To permit a minimum interior side yard to be 1.2m on one side of dwelling unit and 0.6m on the other side – Table 6.3, Row C – **under appeal**
- K) Maximum driveway width - 50% of the lot frontage or 5m, whichever is greater – Table 5.10, Row 2 – **under appeal**

Conclusion:

In summary, the proposed severance follows the relevant planning policies and criteria and provides a great opportunity for an in-fill development utilizing existing municipal services. There is a very high demand of housing and intensification within Guelph and this provides a great opportunity for in-fill development.

Please call me if you or the Planning Staff have any questions.

Very truly yours,
Van Harten Surveying Inc.



Colin Vanderwoerd B.A.
Ontario Land Surveyor

cc JD Sherman, sent via email to: 