

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: B-52/24, B-53/24, B-54/24, B-55/24, B-56/24, B-57/24, B-58/24, A-96/24, A-97/24, A-98/24, A-99/24, A-100/24, A-101/24, A-102/24, A-103/24

Location: 302 and 306 Edinburgh Road South

Hearing Date: December 12, 2024

Owner: 302 Edinburgh Inc. c/o Zachary Fischer

Agent: Jeff Buisman, Van Harten Surveying Inc.

Official Plan Designation: Low Density Residential

Zoning Designation: RL.1 (Low Density Residential)

Request: The applicant is proposes to do the following:

File B-52/24 – Proposed Lands to be Severed 1

Severance of a parcel of land with frontage along Edinburgh Road South of 10.23 metres, a depth of 48.77 metres, and an area of 498 square metres.

File B-53/24 – Proposed Lands to be Severed 2

Severance of a parcel of land with frontage along Edinburgh Road South of 10.23 metres, a depth of 48.77 metres, and an area of 498 square metres.

File B-54/24 – Proposed Lands to be Severed 3

Severance of a parcel of land with frontage along Edinburgh Road South of 8.33 metres, a depth of 48.77 metres, and an area of 406 square metres.

File B-55/24 – Proposed Lands to be Severed 4

Severance of a parcel of land with frontage along Edinburgh Road South of 8.33 metres, a depth of 48.77 metres, and an area of 406 square metres.

File B-56/24 – Proposed Lands to be Severed 5

Severance of a parcel of land with frontage along Edinburgh Road South of 8.33 metres, a depth of 48.77 metres, and an area of 406 square metres.

File B-57/24 – Proposed Lands to be Severed 6

Severance of a parcel of land with frontage along Edinburgh Road South of 8.33 metres, a depth of 48.77 metres, and an area of 406 square metres.

File B-58/24 – Proposed Lands to be Severed 7

Severance of a parcel of land with frontage along Edinburgh Road South of 8.33 metres, a depth of 48.77 metres, and an area of 406 square metres. The retained parcel will have frontage along Edinburgh Road South of 8.33 metres, a depth of 48.77 metres, and an area of 412 square metres

File A-81/24 to A-102/24 (proposed severed parcels) and File A-103/24 (proposed retained parcel)

The applicant is seeking relief from the requirements of Zoning By-law (2023)-20790, as amended, to permit:

- a) a maximum attached garage width of 50 percent of the lot frontage or 5 metres, whichever is less, for the proposed semi-detached dwelling;
 - b) a maximum residential driveway width of 60 percent of the lot frontage or 5 metres, whichever is less, for the proposed semi-detached dwelling;
 - c) an attached garage to project beyond the main front wall of the first storey containing habitable floor space oriented towards the front lot line abutting a street line, and if a roofed porch is proposed, the attached garage may be located ahead of the main front wall, to a maximum projection of 2 metres;
 - d) a minimum floor area of 20 square metres for the proposed attached garage;
 - e) a minimum of 1 parking space per semi-detached dwelling unit; and
 - f) an additional residential dwelling unit located within the basement to occupy the entirety of the basement and contain 3 bedrooms.
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Staff Recommendation

Approval with Conditions

Recommended Conditions

Files B-52/24 to B-58/24

Planning Services

1. Prior to the issuance of the Certificate of Official and/or prior to undertaking activities which may injure or destroy private trees, the applicant shall submit a Tree Preservation Plan (TIPP) undertaken by a Certified Arborist, in accordance with the requirements of the City's Tree Technical Manual and to the satisfaction of the General Manager of Planning and Building Services.
2. That the designated stone markers be relocated off of the site to the satisfaction of heritage planning staff prior to the issuance of the certificate of official.

Engineering Services

3. That prior to the issuance of the Certificate of Official, the Owner(s) shall transfer to the City, at no cost, a road widening in accordance with Table 5.1 of the Official Plan, to the satisfaction of the General Manager/City Engineer.
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 and functional servicing report for the severed and retained lands that has been prepared 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 lands that has been prepared 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 provide to the City, to the satisfaction of the General Manager/City Engineer, a servicing plan for the severed and retained lands that has been prepared in accordance with the City of Guelph's Development Engineering Manual.
7. That prior to the issuance of Certificate of Official, the owner(s) shall submit environmental reports in accordance with Appendix A of City's Guidelines for Development of Contaminated or Potentially Contaminated Sites to the satisfaction of the General Manager/ City Engineer.
8. That prior to the issuance of building permit, the owner(s) shall submit a detailed noise study that has been designed in accordance with the Guelph Noise Control Guidelines(GNCG) to the satisfaction of the General Manager/ City Engineer.
9. That prior to issuance of 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.
10. 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.
11. That prior to the issuance of building permit, the owner(s) shall submit a construction staging plan for all works within the right of way to the satisfaction of the General Manager/City Engineer.

12. That prior to the issuance of 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.
13. 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.

Building Services

14. That prior to issuance of the Certificate of Official, the existing dwelling and accessory structure(s) be demolished to the satisfaction of the Chief Building Official.

Committee of Adjustment Administration

15. 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.
16. That prior to the issuance of the Certificate of Official, the Owner shall prepare and register with the Land Registry Office, at the Owner's expense, an Application to Consolidate Parcels to merge the two property PINs for the two abutting properties at 302 and 306 Edinburgh Road South and must own title in the same name and capacity to allow for consideration.
17. 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.
18. 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.
19. 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).
20. 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.

Files A-81/24 to A-102/24 (proposed severed parcels) and File A-103/24 (proposed retained parcel)

Committee of Adjustment Administration

1. That consent application files B-52/24 to B-58/24, receive final certification of the Secretary-Treasurer and be registered on title.
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Comments

Planning Services

Consent to Sever Applications:

302 and 306 Edinburgh Road South (the "subject property") is designated "Low Density Residential" in the City's 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 permitted uses in this designation include detached, semi-detached, and duplex dwellings, as well as multiple unit residential buildings, such as townhouses and apartments. The subject property is zoned "Low Density Residential" (RL.1) in Zoning By-law (2023)-20790, which permits the proposed semi-detached use, and associated Additional Residential Dwelling Units.

The applicant is proposing to sever the subject properties into 8 lots, resulting in six severed lots and two retained lots to facilitate the development of eight semi-detached dwelling units. Proposed parcels 3 to 7 would each have 8.33 metres of frontage on Edinburgh Road North and a lot area of approximately 406 square metres. Parcels 1 and 2 would have lot frontages of 10.23 metres and lot areas of 498 square metres, while Parcel 8 would have a lot frontage of 8.53 metres and a lot area of 412 square metres. The Zoning By-law requires a minimum lot frontage of 7.5 metres and a minimum lot area of 230 square metres per semi-detached dwelling unit. The proposed dwellings conform in their entirety with the RL.1 Zone of the 2023 Zoning By-law as approved by City Council.

A number of provisions within the 2023 Zoning By-law are currently under appeal and therefore not in effect, necessitating several variances for this development. These requested variances will be identical to the under-appeal provisions approved by Council in 2023 but will not be subject to the appeal, allowing the proposed development to proceed before the appeals are resolved.

Policy 9.3 of the Official Plan provides several objectives to be achieved within the residential designations in the City. In providing new housing, consideration must be given to the development of a full range of housing types, affordability, and densities to meet a variety of lifestyles (9.3(b)). Further, the Official Plan emphasizes the importance of ensuring that "new development is compatible with the surrounding land uses and the general character of neighbourhoods" (9.3(i)). The proposed severance and succeeding development of the subject property conforms with the "Low Density Residential" land use designation and will maintain the low-density character of the neighbourhood while also allowing for gentle intensification.

In Section 9.3.1.1 of the Official Plan, the City of Guelph outlines eleven development criteria for multi-unit residential building proposals. Below is an

evaluation of each of the eleven criteria with respect to the proposed severance and development on the subject property:

1. Building form, scale, height, setbacks, massing, appearance and siting are compatible in design, character and orientation with buildings in the immediate vicinity.

“Compatible” development does not mean identical or even necessarily similar to the existing development in the immediate vicinity. “Compatible” development should fit into the area without having a significant impact on the neighbouring properties that would impact their ability to use their property.

The proposed development conforms with all the setback and height requirements of the RL.1 Zone as approved by City Council. The proposed front yard setbacks are similar to that of nearby dwellings fronting onto Edinburgh Road South, and would contribute to a built form that is compatible with the surrounding neighbourhood.

Staff believe that the anticipated building form, scale, height, setbacks, massing, appearance, and siting of the proposed development are compatible in design, character, and orientation with the buildings in the immediate vicinity.

2. Proposals for residential lot infill will be compatible with the general frontage of lots in the immediate vicinity.

The interior lots located on this specific block of Edinburgh Road South have lot widths ranging from approximately 15 metres to 30 metres for single-detached dwellings. The proposed severances would result in 8 lots, 5 with 8.33 metres of frontage, two with 10.12 metres of frontage, and one with 8.53 metres of frontage. While the proposed lot frontages are considerably less than existing lots in this area, they exceed the minimum lot frontage required in the City’s Zoning By-law and are sufficient to serve the needs of the proposed lots. For this reason, staff are satisfied that the proposed development is compatible with lots in the immediate vicinity.

3. The residential development can be adequately served by local convenience and neighbourhood shopping facilities, schools, trails, parks, recreation facilities and public transit.

The proposed development is located within 800 metres (A ten minute walk) of several schools, Centennial Park, and commercial establishments located along Edinburgh Road South. Nearby bus stops are located less than 100 metres away.

4. Vehicular traffic generated from the proposed development will not have an unacceptable impact on the planned function of the adjacent roads and intersections.

Engineering staff have reviewed the proposal and have not identified any concerns with the potential traffic generated by the proposed development.

5. Vehicular access, parking and circulation can be adequately provided and impacts mitigated.

The proposed development provides 5 parking spaces per proposed lot, and exceeds the minimum parking requirements of a minimum of one space per unit, as outlined in the 2023 Zoning By-law and approved by City Council on April 18th, 2023.

6. That adequate municipal infrastructure, services and amenity areas for residents can be provided.

Engineering staff have proposed conditions requiring the applicant to confirm that there are adequate services available for the proposed development prior to the issuance of any Certificate of Official.

7. Surface parking and driveways shall be minimized.

The proposed development conforms with the maximum driveway width provisions in the 2023 Zoning By-law, as passed by City Council on April 18th, 2023.

8. Development shall extend, establish or reinforce a publicly accessible street grid network to ensure appropriate connectivity for pedestrians, cyclist and vehicular traffic, where applicable.

The development does not alter the existing street grid network.

9. Impacts on adjacent properties are minimized in relation to grading, drainage, location of service areas and microclimatic conditions, such as wind and shadowing.

The proposed development conforms to all required height and setback requirements. Engineering staff have included conditions for the consent applications to ensure grading and drainage concerns are adequately addressed. Should this application be approved, conditions recommended by engineering staff regarding grading and drainage would have to be addressed to the satisfaction of the City Engineer prior to the severance being finalized and the Certificate of Official being issued.

10. The development addresses public safety, identified public views and accessibility to open space, parks, trails and the Natural Heritage System, where applicable.

There are no public safety concerns or accessibility to natural heritage concerns with the proposal.

11. The conservation and integration of cultural heritage resources, including identified key public views can be achieved subject to the provisions of the Cultural Heritage Resources Section of this Plan.

The stone markers at 302 and 306 Edinburgh Road South are listed on the municipal register and are considered significant heritage resources in the City of Guelph. The applicant has applied to have the designation removed pending on relocation of the stone markers back to their original location at St George's Church (99 Woolwich Street). Staff recommend a condition to this effect.

The above policies, criteria and objectives, together with policies regarding development within the Built-up Area and Intensification (Section 3.4), encourage the creation of new low density residential lots within the older established areas of the City.

Policy 10.9.1 of the Official Plan provides additional 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 as all the proposed lots would front onto an existing public right of way.

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 of the subject property facilitates the ultimate development of the lands. The proposed development represents a logical and compatible layout of lots that are appropriate to accommodate the proposed dwellings within the Built-up Area and are compatible with the surrounding neighbourhood.

iv. That the application can be supported if it is reasonable and in the best interest of the community.

The proposed severance is reasonable and is in the best interest of the community. The proposed development can be serviced by existing infrastructure and public and private amenities such as schools, public transit, and parks. The proposed development creates a front yard setback similar to that of other dwellings on Edinburgh Road South and maintains all zoning requirements in the 2023 Zoning By-law.

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 and recommend approval of the applications subject to the above noted conditions.

Minor Variance Applications:

As mentioned above, the proposed severance conforms with the RL.1 zone as approved by City Council on April 18, 2023. However, as a number of provisions are currently under appeal and therefore not in effect, variances to several provisions required. These requested variances will be identical to the under-appeal provisions approved by Council in 2023 but will not be subject to the appeal, allowing the proposed development to proceed before the appeals are resolved.

These provisions were appealed to the Ontario Land Tribunal by the Guelph Wellington Development Association on the grounds that they are too restrictive on development. For this reason, city staff are of the opinion that it is fair to consider the proposed variances, as they would not undermine the intent of the ongoing appeal.

Variances to six under-appeal provisions are proposed to permit:

- a) A maximum attached garage width of 50 percent of the lot frontage or 5 metres, whichever is less, for the proposed semi-detached dwelling less (Table 5.9, Row 1 of the 2023 Zoning By-law – under appeal);
- b) A maximum residential driveway width of 60 percent of the lot frontage or 5 metres, whichever is less, for the proposed semi-detached dwelling (Table 5.10, Row 1 of the 2023 Zoning By-law – under appeal);
- c) An attached garage may be permitted to project beyond the front habitable wall of a dwelling provided a roofed porch is proposed, to a maximum projection of 2 metres (Section 5.11.2(a) in the 2023 Zoning By-law – under appeal);
- d) A minimum floor area of 20 square metres for the proposed attached garage (Table 5.2, Row 1, Additional Regulation 1 of the 2023 Zoning By-law – under appeal);
- e) A minimum of 1 parking space per semi-detached dwelling unit (Table 5.3, Row 15 of the 2023 Zoning By-law – under appeal);
- f) That if an additional residential dwelling unit is located within the basement, the additional residential dwelling unit may occupy the entirety of the basement and may contain 3 bedrooms (Section 4.12.1(c)(i)(A)).

As the proposed variances conform with the RL.1 Zone of the 2023 Zoning By-law, as approved by City Council on April 18, 2023, staff are of the opinion that the proposed variances conform with the general intent of the City's Official Plan and Zoning By-law, are considered to be desirable for the appropriate development of land, and are minor in nature.

Staff note that the subject property is over 0.2 hectares (0.5 acres) in size and regulated under the City's Private Tree By-law. Therefore prior to the issuance of the Certificate of Official and/or prior to undertaking activities which may injure or destroy private trees, the applicant shall submit a Tree Preservation Plan (TIPP) undertaken by a Certified Arborist, in accordance with the requirements of the City's Tree Technical Manual and to the satisfaction of the General Manager of Planning and Building Services. Issuance of a Tree Permit by the City will be required prior to any works taking place on the subject property. 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.

Staff recommend approval of Minor Variance applications A-96/24, A-97/24, A-98/24, A-99/24, A-100/24, A-101/24, A-102/24, and A-103/24. Staff also recommend approval of Consent applications B-52/24, B-53/24, B-54/24, B-55/24, B-56/24, B-57/24 and B-58/24, subject to the above noted conditions.

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. Engineering staff have no concerns with the requested variances. We agree with the recommendations made by Planning and Building staff.

Building Services

The subject property is zoned Low Density Residential 1 (RL.1) and is within the Older Built-up Area Overlay under Council approved Comprehensive Zoning By-law (2023)-2079, as amended. The applicant is proposing to sever the property to create seven new residential lots with one retained residential lot, for a total of 8 lots all containing semi-detached dwellings which are permitted in the RL.2 Zone. A maximum of 2 additional residential dwellings are permitted on each semi-detached property.

Requested minor variances a) to e) are to bring the appealed items in the 2023 Comprehensive Zoning By-law into full force and effect. Minor variance f) to permit 3 bedrooms in a basement ARDU is a new regulation under the 2023 Comprehensive Zoning By-law which is under appeal. It requires a minor variance to bring it into effect since the 1995 Zoning By-law allowed 2 bedrooms in a basement additional residential dwelling unit.

Building staff is requesting a condition to demolish the existing dwellings and accessory structure(s) on the lands prior to the severance being finalized. This condition is applicable to each proposed lot.

A building permit is required prior to any demolition/construction, 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 subject to the requested condition.

Alectra Utilities

See attached correspondence from Alectra Utilities.

Committee of Adjustment Administration

The applicant has indicated that the two properties are currently owned by separate individuals, but the applicant is intending to purchase the properties under the same entity. Should the Committee approve the applications, staff recommend the above noted condition to confirm there is one ownership.

Comments from the Public

Yes (see attached)

Contact Information

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