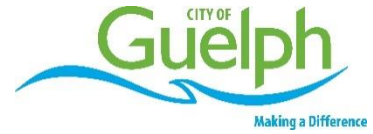


Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: B-1/25, A-2/25 and A-3/25
Location: 68-76 Wyndham Street South
Hearing Date: February 13, 2025
Owner: M Flaman Productions Ltd.
Agent: Robert Turner Fryett Turner Architects Inc.
Official Plan Designation: Residential 1 Downtown Secondary Plan
Zoning Designation: Low Density Residential (RL.1) Zone

Request: The applicant proposes to do the following:

File B-1/25

The applicant proposes to sever a parcel of land with frontage along Wyndham Street South of 20.49 metres, and an area of 720 square metres. The retained parcel will have frontage along Howitt Street of 14.02 metres (before road widening), and an area of 734.6 square metres.

File A-2/25 (Severed Parcel)

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

- a) a minimum front yard of 4.5 metres for the proposed multi-unit residential building; and
- b) a 0 metre setback between the driveway and the nearest lot line.

File A-3/25 (Retained Parcel)

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

- a) a minimum front yard of 4.5 metres for the proposed multi-unit residential building;
- b) a minimum rear yard of 3.75 metres for the proposed multi-unit residential building; and
- c) a 0 metre setback between the driveway and the nearest lot line.

By-Law Requirements:

The property is located in the Low Density Residential 1 (RL.1) Zone. Variances from Tables 6.3 and 6.2 of Zoning By-law (2023)-20790, as amended, are being requested. The By-law requires that:

- a) the minimum front yard be 6 metres for a multi-unit residential building located in the RL.1 Zone;
- b) a minimum rear yard of 7.5 metres, or 20 percent of the lot depth, whichever is less, for a multi-unit building in the RL.1 Zone; and
- c) a minimum setback of 0.5 metres between the driveway, residential and the nearest lot line must be maintained as landscaped space in the form of natural vegetation, such as grass, flowers, trees and shrubbery.

Staff Recommendation

Deferral

Comments

Planning Services

Consent to Sever Application: B-1/25

The subject property is designated as "Residential 1" in Schedule C of the Downtown Secondary Plan, land use plan. The "Residential 1" land use designation is characterized by mostly low-rise forms of housing, including detached and semi-detached houses, townhouses and apartment buildings. The intent is to generally maintain the character of these areas. Section 11.1.7.7.2 of the Downtown Secondary Plan outlines that the policies of the Official Plan, applicable to "Low Density Residential" including the General Policies for residential areas shall apply to "Residential 1" areas. The subject property is zoned "Low Density Residential" (RL.1) in Zoning By-law (2023)-20790, which permits the proposed triplexes.

The applicant is proposing to sever the subject lands, resulting in one severed lot and one retained lot to facilitate the development of two triplex buildings. The severed lot will have 20.49 metres of frontage along Wyndham Street South, and a lot area of 720 square metres. The retained lot will have 14.02 metres of frontage along Howitt Street and a lot area of 734.6 square metres.

Under the Official Plan "Low Density Residential" General Policies, Section 9.3.1.1 outlines 11 criteria to assess multi-unit residential development and for intensification proposals within existing residential neighbourhoods. Below is a review of each of the 11 criteria:

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 neighbourhood without having a significant impact on the neighbouring properties that would impact their ability to use their property. The proposed triplexes are a permitted residential use in the RL.1 Zone as approved by City Council. The anticipated height of the triplexes, 3 storeys, is permitted in the Zoning By-law and does not impede the enjoyment of the predominantly 1 to 2 storey residential neighbourhood, or the adjacent +10 storey apartments along Howitt Street and Wyndham Street South. Elevation drawings of the triplexes were provided indicating the general aesthetic design of the building to be in line with the current neighbourhood and would not impact the use of adjacent residential lands. In the opinion of staff, the building form, scale, height, massing, and general 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 triplexes have frontage along Howitt Street for the retained lot and along Wyndham Street South for the severed lot. The frontage along Howitt Street is proposed to be setback 4.3 metres, similar to the existing nearby residential dwellings setback approximately 2 to 4.5 metres. The frontage along Wyndham Street South is proposed to be setback 4.5 metres, similar to the existing ~3 metre setbacks along the street. The triplexes extend across most of the width of the frontages of the retained and severed lots, ensuring that the street face is reinforced by the building facade.

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 within 800 metres (a 10 minute walk) of parks, two schools, and shopping areas including within the downtown area of Guelph. There are several bus stops along Wellington Street East and Neeve Street, approximately 250 metres from the property.

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 did not have 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 can accommodate 9 parking spaces on the lot, 5 on the retained lot and 4 on the severed lot. This meets the minimum parking requirements for triplexes outlined in the Zoning By-law and approved by City Council.

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

Engineering staff have reviewed the proposal and have included conditions requiring additional materials to address any potential servicing concerns prior to issuance of building permit / Certificate of Official.

7. Surface parking and driveways shall be minimized.

The proposed driveway conforms with the maximum driveway width requirements in the 2023 Zoning By-law.

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. The design of the dwellings accommodate for a potential future road widening of 3.0 metres.

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

Engineering staff have reviewed the proposal and have included conditions requiring additional materials to address any potential grading, drainage, service locations, and microclimatic condition concerns prior to issuance of building permit / Certificate of Official.

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 proposal has no impact on cultural heritage.

Policy 10.9.1.2 of the Official Plan further provides criteria to consider when evaluating Consent applications. Below is an evaluation of these policies as it relates to the subject applications:

- a) 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.

- b) 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 no new right of ways are proposed.

- c) That the land parcels to be created by the Consent will not restrict or hinder the ultimate development of the lands.

The proposed severance facilitates the ultimate development of the lands. The proposed development represents a logical and compatible layout of lots that are generally appropriate to accommodate the multiple unit dwellings within the Built-up Area.

- d) 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 and parks. The proposed dwellings represent a more efficient use of the lands than what currently exists in proximity to the City's downtown area.

The severance satisfies the Official Plan's intensification criteria. Staff are likewise of the opinion that the severance meets the Consent policies of the Official Plan. Overall, the proposed severance conforms with the Official Plan. However, due to the comments provided on the minor variance applications below, staff recommend deferral of the consent application.

Minor Variance Applications: A-2/25 and A-3/25

The subject property is zoned "Low Density Residential 1" (RL.1) according to Zoning By-law (2023)-20790, which permits small multi-unit residential buildings including triplexes. Variances to three provisions of the Zoning By-law are being requested to permit the proposed dwellings:

a) Whereas the minimum front yard is 6.0 metres for a multi-unit residential building, the proposal requests a minimum front yard of 4.5 metres (on both severed and retained lots)

The intent of a minimum front yard provision is to ensure adequate spacing is provided towards the public right of way, provide opportunities for landscaping, and to ensure the lot is not overdeveloped and is appropriately spaced to nearby properties. The proposed dwellings are situated in a manner to have matching setbacks along Wyndham Street to reinforce the street facade while still providing landscaping. Despite being closer to the right of way than nearby buildings, the proposed dwellings do not intrude into any of the required sight line triangles along the intersection or the vehicular accesses. The currently shown reduction in front yard setback is therefore in line with the intent of the provision given the unique shape of the lot and location on the corner of an intersection. Staff are generally supportive of the location of the buildings along Howitt Street and Wyndham Street, however, some further clarifications are required below prior to a recommendation of approval.

b) Whereas the minimum rear yard is 7.5 metres for a multi-unit residential building, the proposal requests a minimum rear yard of 3.75 metres (retained lot only)

The intent of a rear setback provision is to ensure there is adequate separation with adjacent lots, provide privacy between buildings, and allow for additional landscaping for residents. The built form proposed is a 3-storey multi-unit dwelling. The north elevations submitted indicate that several windows would look into the rear yard of the adjacent property. Staff are of the opinion that there are remaining privacy concerns with the requested setback due to the built form being proposed. Greater efforts could be made to shift the building further away from the rear lot line, as well as relocate or remove windows to address these concerns. A request for 3.75 metres is also half of the required 7.5 metres and is difficult to consider as minor. As currently proposed, staff do not support variance b).

c) Whereas the minimum setback between the driveway and nearest lot line is 0.5 metres, the proposal requests a setback of 0 metres (on both severed and retained lots)

A minimum setback between driveways and adjacent lots ensures that adequate spacing is provided to perform maintenance and provides a clear separation of lots. The proposed development requests a setback of 0 metres

to provide a shared parking lot between the two buildings, split along the drive aisle. Staff find this variance is appropriate to permit the efficient use of the lands, given that the parking will be shared and that the parking spaces provided per lot conform with the requirements of the Zoning By-law. No other parking related variances are requested. Staff note an easement is required to permit the use of the parking lot, which was not applied for. This easement is discussed further below.

Following staff comments above, several inconsistencies have been identified that warrant a recommendation for deferral. These inconsistencies are as follows:

- For variance a), the requested setback distance should be 1.5 metres instead of 4.5 metres to account for the 3.0 metre road widening shown on the site plan;
- For variance a), the setback along Wyndham Street for the retained lot is technically the exterior side yard setback which requires an additional variance. The frontage along Howitt Street is the proper front yard for the retained lot, which requires a variance for a setback of 4.3 metres;
- For variance c), an easement was not included as part of the application to permit vehicles to access both portions of the parking area; and,
- It is unclear if an additional variance is required for the retained lot for rear yard setback, as the rear yard is the yard adjacent to the shared lot line along the parking area.

A deferral would allow the applicant time to clarify the exact variances required and for new notice to be circulated better reflecting the application. A deferral would further permit another opportunity to revise the proposal so that variance b) for the rear yard setback is closer in conformity to a variance staff would better support.

Staff are open to having additional conversations with the applicant as they refine their proposal.

For these reasons, staff recommend deferral of Consent application B-1/25 and Minor Variance applications A-2/25 and A-3/25.

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.

Should the Committee wish to approve the consent application, the following conditions are recommended:

Engineering Services

1. That prior to the issuance of the Certificate of Official, the Owner(s) shall transfer to the City, at no cost, a 3.00m road widening in accordance with Table 5.1 of the Official Plan, to the satisfaction of the General Manager/City Engineer.

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 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.
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 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.
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 servicing plan 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 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.
6. 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.
7. 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.
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 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.
10. 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

The subject property is zoned Low Density Residential 1 (RL.1) and is within the Older Built-up Area Overlay and Special Policy Area Overlay under Council approved Comprehensive Zoning By-law (2023)-2079, as amended. The applicant is proposing to sever the parcel and build two triplexes with a shared driveway. The shared driveway will require easements (one on each parcel), created through Committee of Adjustment applications.

Zoning staff notes that all proposed setbacks shall be taken from the future road widening lot line. The rear lot line of Lot 1 is not identified correctly and is the shared lot line between Lot 1 and Lot 2. The rear lot line is opposite to the front lot line on Howitt Street on Lot 1. Additional and altered variances will be triggered with the proper identification of yards.

The driveway sight line triangles shall be taken from the sidewalk and are 5 metres up into the property and 4m along the sidewalk. For multi-unit buildings with 3 units, 35 percent of lot area is required to be landscaped open space. The applicant shall be aware that a lodging house is not permitted in a triplex building.

A building permit is required prior to any demolition/construction, at which time requirements under the Ontario Building Code will be reviewed. The applicant shall be aware a Record of Site Condition may be a required document with the building permit application.

Building staff support deferral of the applications and recommend the applicant meet with Building and Planning staff to review variances prior to application resubmission.

Committee of Adjustment Administration

Should the Committee wish to approve the consent application, the following conditions are recommended:

Committee of Adjustment Administration

1. 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.
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.

Should the Committee wish to approve the minor variance applications, the following condition is recommended for files A-2/25 and A-3/25:

Committee of Adjustment Administration

That consent application file B-1/25, receive final certification of the Secretary-Treasurer and be registered on title.

Alectra Utilities

See attached correspondence from Alectra Utilities. Should the Committee wish to approve the consent application, the following condition is recommended:

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

Comments from the Public

None

Contact Information

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