

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: B-3/25, A-10/25 and A-11/25
Location: 79 Northumberland Street
Hearing Date: February 13, 2025
Owner: Annamaria Bartolomucci, Orlando Belo, Dante Miller
Agent: N/A
Official Plan Designation: Low Density Residential
Zoning Designation: Low Density Residential (RL.1) Zone

Request: The applicant proposes to do the following:

File B-3/25

The applicant proposes to sever a parcel of land with frontage along Northumberland Street of 9.67 metres, and an area of 314 square metres. The retained parcel will have frontage along Northumberland Street of 9.38 metres, and an area of 304 square metres.

File A-10/25 (proposed severed 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; and
- c) a minimum of 1 parking space per semi-detached dwelling unit.

File A-11/25 (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 for a semi-detached dwelling in a RL.1 Zone to be 60 percent of the lot frontage or 5 metres, whichever is less;
- c) a minimum of 1 parking space per semi-detached dwelling unit; and
- d) the proposed eaves have a maximum projection of 1.2 metres into the left side yard.

By-Law Requirements:

The property is located in the Low Density Residential 1 (RL.1) Zone. Variances from Table 5.9 Row 1, Table 5.10 Row 1, Table 5.3 Row 15 and Table 4.1 Row 5 of Zoning By-law (2023)-20790, as amended, are being requested. The By-law requires:

- a) a maximum attached garage width for a semi-detached dwelling in a RL.1 Zone to be 50 percent of the lot frontage or 5 metres, whichever is less;
- b) a maximum residential driveway width for a semi-detached dwelling in a RL.1 Zone to be 60 percent of the lot frontage or 5 metres, whichever is less;
- c) a minimum of 1 parking space per semi-detached dwelling unit; and
- d) that architectural features such as eaves have a maximum projection of 0.8 metres into the 1.2 metre required interior side yard with no minimum setback requirement from the lot line.

Staff Recommendation

Approval with Conditions

Recommended Conditions

File B-3/25

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 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.
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 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.
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 for the severed and retained lands that has been prepared in accordance with the City of Guelph's Development Engineering Manual. In addition to the proposed servicing on the severed and retained lands, the site servicing plan shall propose the removal of the shared service laterals on 73 Northumberland.
4. That prior to the issuance of the Certificate of Official, the owner shall decommission and remove the shared services from 73 Northumberland St. The decommissioning and removal of the shared services will require a separate building permit.

5. That prior to the issuance of Certificate of Official, the owner(s) shall submit an SSQ 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

11. That the portion of the existing building crossing the proposed property line is to be demolished prior to the issuance of the Certificate of Official to the satisfaction of the Chief Building Official.

Alectra Utilities

12. 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.

Metrolinx

13. The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to

Purchase, and Agreements of Purchase and Sale or Lease of each unit:
Warning: The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Committee of Adjustment Administration

14. 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.
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 A-10/25 (proposed severed parcel)

Committee of Adjustment Administration

1. That consent application files B-3/25, receive final certification of the Secretary-Treasurer and be registered on title.

File A- 11/25 (proposed retained parcel)

Building Services

1. That an Encroachment Agreement with access and maintenance provisions be registered on title of the neighbouring property (83 Northumberland St) prior to the issuance of a building permit for the eaves addition on the left side of the existing building to the satisfaction of the Chief Building Official.

Committee of Adjustment Administration

2. That consent application files B-3/25, receive final certification of the Secretary-Treasurer and be registered on title.
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Comments

Planning Services

Consent to Sever Applications: B-3/25

The subject property is designated as "Low Density Residential" in the Official Plan. The "Low Density Residential" land use designation permits a range of residential uses, including detached, semi-detached, and duplex dwellings, as well as multiple unit residential buildings such as townhouses and apartments. The application proposes to sever the lot and add a two-storey addition to the existing building on the retained lot, with a semi-detached unit on the severed lot. The subject property is zoned "Low Density Residential" (RL.1) in Zoning By-law (2023)-20790, which permits the proposed semi-detached use.

The severed parcel will have a frontage of 9.67 metres and an area of 314 square metres, with the retained to have a frontage of 9.38 metres and an area of 304 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.

A number of provisions within the 2023 Zoning By-law are currently under appeal and therefore not in effect, necessitating several technical 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. One additional variance is required to permit the projection of the eaves on the existing building.

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 neighbourhood without having a significant impact on the neighbouring properties that would impact their ability to use their property. The proposed semi-detached units are a permitted residential use in the RL.1 Zone as approved by City Council. The anticipated height of the dwelling, 2 storeys, is permitted in the Zoning By-law and is in line with the predominantly 1 to 2 storey residential neighbourhood. Elevation drawings of the dwelling 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 dwelling will have frontage along Northumberland Street for both lots. The retained lot will have an existing portion of the building remain with a front yard setback of 0.61 metres, and the addition to the existing portion setback 6.75 metres from the front lot line. The new semi-detached unit will be setback 4.91 metres from the front lot line. The new addition and new semi-detached dwelling unit are set back from the street in a manner that conforms with the Zoning By-law and does not impede the use of the lands or adjacent lands. The semi-detached dwelling will 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, three schools, and shopping areas including the downtown area of Guelph. There are

several bus stops along Waterloo Avenue, 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 1 parking space on each lot. This meets the minimum parking requirements for the semi-detached dwelling units 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 to ensure adequate servicing will be provided for the proposed development.

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.

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 included conditions to ensure grading and drainage concerns are adequately addressed. Should this application be approved, conditions recommended by engineering staff would require a stormwater management and functional servicing report and a grading and drainage plan to be prepared to the

satisfaction of the General Manager and/or City Engineer prior to the issuance of the 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 City's heritage planner has reviewed the application and has no concerns with the conservation of heritage resources.

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 applications:

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 no new right of ways are proposed.

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 facilitates the ultimate development of the lands. The proposed development represents a logical and compatible layout of lots that are generally appropriate to accommodate a semi-detached dwelling within the Built-up Area while utilizing the existing dwelling on site.

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 public and private amenities such as schools and parks. Engineering staff have included conditions to ensure a new semi-detached dwelling can be appropriately serviced by existing infrastructure. The proposed severance and building addition represents a more efficient use of the lands than what currently exists.

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 by building and engineering staff.

Minor Variance Applications: A-10/25 A-11/25

As mentioned above, as a number of provisions are currently under appeal and therefore not in effect, variances to several other provisions are also 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 3 under-appeal provisions are proposed, with 1 variance requested to permit the eaves projection on the existing dwelling. These variances propose the following:

- a) a maximum attached garage width for a semi-detached dwelling in a RL.1 Zone to be 50 percent of the lot frontage or 5 metres, whichever is less (Table 5.9, Row 1) (under appeal);
- b) a maximum residential driveway width for a semi-detached dwelling in a RL.1 Zone to be 60 percent of the lot frontage or 5 metres, whichever is less (Table 5.10, Row 1) (under appeal);
- c) a minimum of 1 parking space per semi-detached dwelling unit (Table 5.3, Row 14) (under appeal); and,
- d) to permit an eave projection to have gap of 0 metres between the maximum projection and required interior side yard, whereas architectural features such as eaves have a maximum projection of 0.8 metres into the 1.2 metre required interior side yard (a gap of 0.4 metres) with no minimum setback requirement from the lot line (Table 4.1, Row 5).

As variances a), b), and c) 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.

Variance d) is required to permit the projection of the eaves on the existing building. While there is technically no minimum setback for the projection of the eaves, a 0.4 metre gap is to be provided for a maximum 0.8 metre projection in the 1.2 metre interior side yard. As this appears to be an existing eave that has already functioned without issue in the past within the bounds of the property, staff are of the opinion the variance conforms with the general intent of the City's Official Plan and Zoning By-law, is considered to be desirable for the appropriate development of land and is minor in nature. Building staff have provided additional comment on a required easement for the eaves.

For these reasons, staff recommend approval of Consent application B-3/25 and Minor Variance applications A-10/25, A-11/25, subject to conditions imposed by building and engineering staff.

Engineering Services

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

Based on historical records, staff note that the property at 79 Northumberland St has shared water and sanitary services laterals with 73 Northumberland St. The applicant must design the servicing so that each unit is serviced independently per Development Engineering Manual. Additionally, shared services will need to be decommissioned and removed from 73 Northumberland St.

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 parcel and create a semi-detached dwelling. A portion of the existing building will remain on the proposed left parcel where the applicant is proposing to add eaves along the left side property line. The eaves will cross the property line. Existing services on the property also cross property lines and connect to the right side neighbouring property's services, 73 Northumberland St.

Building Services notes the eaves addition as proposed will require an Encroachment Agreement registered on title of the neighbouring property owner (83 Northumberland St) with any building permit submission for eaves as they will cross the property line. The encroachment agreement shall contain provisions to permit access for the owner of 79 Northumberland St onto 83 Northumberland to allow for maintenance of the left side of the dwelling and construction of the eaves.

The portion of the building to be demolished does cross the proposed property line, and that is to be demolished prior to the severance being finalized.

New, unprotected openings are also not permitted on the dwelling closer than 1.2 metres to the property line. Existing, unchanged openings can remain. Walls less than 0.6m to the property line require a 45 minute fire resistance rating and shall have non-combustible cladding.

A building permit is required prior to any demolition/construction, at which time requirements under the Ontario Building Code will be reviewed. Building Services supports Planning and Engineering recommendations subject to the proposed conditions.

Alectra Utilities

See attached correspondence from Alectra Utilities.

Metrolinx

See attached correspondence and above noted condition from Metrolinx.

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