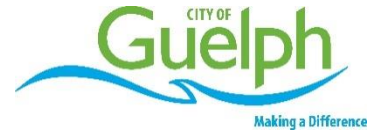


# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: B-4/25, B-5/25 and B-6/25  
Location: 8 Mitchell Street  
Hearing Date: February 13, 2025  
Owner: 8 Mitchell St Inc.  
Agent: Jeff Buisman, Van Harten Surveying Inc.  
Official Plan Designation: Low Density Residential  
Zoning Designation: Low Density Residential (RL.1-26(H)) Zone

**Request:** The applicant proposes to do the following:

### **File B-4/25 – Proposed Severed Parcel 1**

Severance of a parcel of land with frontage along Mitchell Street of 7.9 metres and frontage along Arthur Street North of 8.4 metres, and an area of 448 square metres.

### **File B-5/25 – Proposed Severed Parcel 2 and Easement**

- a) Severance of a parcel of land with frontage along Mitchell Street of 8.3 metres and frontage along Arthur Street North of 8.3 metres, and an area of 465 square metres.
- b) The applicant is also proposing to create a 27 square meter easement for parking and access over a portion of the proposed severed parcel in favour of proposed severed parcels 1, 3 and 4 [shown as E1 on the attached plan].
- c) The applicant is also proposing to create a 27 square meter easement for a shared walkway over a portion of the proposed severed parcel in favour of proposed severed parcels 1, 3 and 4 [shown as E3 on the attached plan].

### **File B-6/25 – Proposed Severed Parcel 3 and Easement**

- a) Severance of a parcel of land with frontage along Mitchell Street of 8.3 metres and frontage along Arthur Street North of 8.3 metres, and an area of 465 square metres.
- b) The applicant is also proposing to create a 101 square meter easement for parking, access, and snow storage over a portion of the proposed severed parcel in favour of proposed severed parcels 1, 2 and 4 [shown as E2 on the attached plan].
- c) The applicant is also proposing to create a 27 square meter easement for a shared walkway over a portion of the proposed severed parcel in favour of proposed severed parcels 1, 2 and 4 [shown as E4 on the attached plan].

## **Proposed Retained Parcel 4**

The retained parcel (proposed Retained Parcel 4) will have frontage along Mitchell Street of 3.5 metres and frontage along Arthur Street North of 11.4 metres, and an area of 436 square metres.

### **By-Law Requirements:**

The property is located in the Site-specific Low Density Residential 1 with Holding Provisions (RL.1-26(H)) Zone, according to Zoning By-law (2023)-20790, as amended.

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## **Staff Recommendation**

### **Approval with Conditions**

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## **Recommended Conditions**

### **Files B-4/25 to B-6/25 – Proposed Severed Parcels 1-3**

#### **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.
4. 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.
5. 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.

6. 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.
7. 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.
8. 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**

9. That prior to the issuance of the Certificate of Official, the existing structure be demolished to the satisfaction of the Chief Building Official.

### **Alectra Utilities**

10. That prior to the 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.

### **Committee of Adjustment Administration**

11. 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.
12. 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.
13. 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.
14. 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@quelp.ca](mailto:cofa@quelp.ca)).

15. 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.
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## **Comments**

### **Planning Services**

8 Mitchell Street (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 "Specialized Low Density Residential" with a holding provision (RL.1-26(H)) in Zoning By-law (2023)-20790. This zoning was approved by City Council through a Zoning By-law Amendment on December 10, 2024.

The applicant is proposing to sever the subject properties into 4 lots to facilitate the development of four semi-detached dwelling units each with 2 ADUs, for a total of 12 dwelling units. All four parcels will have frontage on both Mitchell Street and Arthur Street North, with the proposed dwellings fronting onto the Arthur Street North frontage. The parcels would vary in frontage along Arthur Street North from 8.3 to 11.4 metres and would vary in lot size from 436 to 465 square metres. The Zoning By-law. 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.1-26 Zone approved by City Council in December.

In order to provide additional parking for future occupants without substantially increasing the number or width of driveways, the applicant proposed a supplementary parking area that would occupy a portion of the rear of Parcels two and three. Provisions to facilitate this supplementary parking area were also approved in December.

In addition to the proposed severances, four easements are also proposed that would allow future occupants of the semi-detached dwellings to access the supplementary parking area. Easements 1 and 2 are located on parcels two and three respectively, and pertain to the proposed parking area and drive aisle. Easements 3 and 4 are located in parcels two and three and allow for pedestrian access from Arthur Street through to the supplementary parking area. These easements would allow occupants of any of the four proposed lots to access this supplementary parking area.

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.

### **Residential Development Policies**

The Low Density Residential Designation permits a maximum net density of 35 units per hectare. The Official Plan’s density maximum predates and is superseded by Ontario Bill 185 requiring municipalities to permit a minimum of three units per lot. As such, staff do not include proposed ADUs in density calculations for the purposes of Official Plan conformity. The proposed net density of the of the lands subject to the preceding Zoning By-law Amendment Application and proposed consent applications is 22 units per hectare when not including ADUs in the calculation, and 66 units per hectare if ADUs were included.

In addition to the low-density residential policies, Section 9.3.1.1 of the Official Plan contains criteria to assess development proposals for intensification proposals within existing residential neighbourhoods.

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

The development proposes 4 two-storey semi-detached dwelling units, each with a basement ADU and second storey ADU.

As defined in the Official Plan, “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 would maintain similar form, scale, height and siting to the existing two-storey dwellings across the street from the subject lands. As the proposed structures are semi-detached dwellings and two storeys each, the massing of the proposed structures would be larger than many of the nearby dwellings but would still maintain the low-density character of the neighbourhood. The proposed setbacks of the dwellings would maintain or exceed the requirements in the RL.1 Zone. Notably, the front yard setback of the proposed dwellings is significantly greater than that of existing dwellings fronting onto Arthur Street in order to comply with newer zoning requirements and to accommodate adequate off-street parking.

While there are some notable differences between the proposed structures and existing structures fronting onto Arthur Street North, staff are of the opinion that the proposed structures maintain the form, scale, height, setbacks, massing,

appearance, and siting that are characteristic of low-density residential neighbourhoods throughout Guelph. The proposed structures are compatible 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 frontages for the proposed lots along Arthur Street North (The proposed front yard of the lots) range from 8.33 metres to 11.48 metres, with an average of 9.14 metres per lot.

The lots on these blocks of Arthur Street North and Mitchell Street contain a variety of lot frontages. Frontages for existing semi-detached dwellings in this area range from roughly 5 metres per main dwelling unit (186, 188, 190 and 192 Arthur St N) to 10 metres per main dwelling unit (28 and 30 Mitchell Street). Eight single detached dwellings on these blocks have frontages between 8 and 10 metres, including four lots directly across the street from the subject lands (164, 166 and 170 Arthur Street North, and 9 Mitchell Street). Five single detached dwellings on these blocks have frontages that exceed 18 metres, including two lots that abut the subject lands (175 Arthur Street North and 14 Mitchell Street).

The lot frontages for the proposed semi-detached lots would fit into this range comfortably, being wider than many existing semi-detached and single detached lots while also providing an increase in density for the neighbourhood.

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

A variety of amenities and services are located within 800 metres (a 10 minute walk) of the subject lands. These include:

- Downtown Guelph located to the South of the subject lands
- Downtown Trail along the Speed River
- Goldie Mill Park, Joseph Wolfond Park and St George's Park
- King George and Central Public Schools
- Guelph General Hospital
- Guelph Central Station, roughly 800 metres away
- Bus stops for Route 12 and 13 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.**

As per the City's Transportation Impact Study (TIS) guidelines, a TIS is generally only required if the proposed development is expected to generate at least 100 additional net new trips (inbound and outbound) during the adjacent roadways'

peak hours. Alternatively, City staff may require a TIS even if the expected number of net new trips is less than 100 during peak hours if:

The proposed development is in an area of high roadway congestion with traffic volumes near capacity;

The proposed development is not envisaged by local land use plans or transportation plans;

As part of the proposed development a new traffic signal, roundabout, controlled pedestrian crossing or turning lane is anticipated;

The proposed development is within an existing transportation problem area (traffic collision prone areas, areas with complex intersection geometrics, areas nearing traffic volume capacity for example); or

The proposed development has the potential to create unacceptable adverse operational and safety impacts on the road network (inadequate horizontal or vertical sight distance at access, close proximity to of driveways to an intersection, or if the proposal is anticipated to result in critical volume-capacity ratios at a signalized intersection for example)

Engineering and Transportation Services staff have reviewed the application and are satisfied that the proposal would not generate more than 100 net new trips during peak hours and would not require a TIS for any of the other reasons listed above.

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

The semi-detached dwellings and ADUs will be accessed by the proposed five-metre-wide driveways fronting onto Arthur Street North. The proposed driveways and attached garages provide 3 parking spaces per lot. This is more than sufficient parking to meet the zoning by-law requirements for semi-detached dwellings and up to 2 ADUs per lot. As the north side of Arthur Street North does not permit on-street parking, no on-street parking spaces will be removed as a result of the proposed driveways. The proposed driveways adhere to the sightline triangle requirements in the Zoning By-law.

Typically planning staff do not require parking studies to be completed for proposals that conform to the minimum off-street parking requirements outlined in the Zoning By-law, especially if no on-street parking spaces would be removed as a result of the proposal.

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

Engineering staff have reviewed the application and are satisfied that there are sufficient existing water and wastewater facilities to service the proposed development.

Engineering staff have also reviewed the submitted stormwater management plan. While generally supportive of the proposal, they have noted that there are a number of inconsistencies with the Stormwater Management Plan that will need to be resolved prior to the issuance of a building permit. For this reason, a Holding Provision was applied to the site when the rezoning was approved in December.

Building permits for the proposed structures will not be issued until these concerns have been addressed and the Holding Provision has been removed.

#### **7. Surface parking and driveways shall be minimized.**

Each of the proposed semi-detached dwelling units includes an attached garage with one parking space each. The size and number of driveways are acceptable for this style of infill development and conform with the requirements of the 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.**

Each of the proposed lots fronts directly onto a public street and integrates with the existing street grid.

#### **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 proposed conceptual grading and have found that revisions will be necessary to ensure that the proposal conforms with the standards outlined in the Development Engineering Manual and ensure that water will not spill onto adjacent properties. As mentioned above, these concerns must be addressed prior to the Holding Provision on the site being lifted.

Based on the scale of the proposed development wind and shadow studies were not required in support of the Zoning By-law Amendment application.

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

No significant impact on public safety, identified public views and accessibility to open space, parks, trails and the Natural Heritage System was identified during staff's review.

With the inclusion of the Holding Provision that has already been included in the approved rezoning to address the items noted above, the proposed development



satisfies the criteria outlined in Official Plan Policy 9.3.1.1 and the Low Density Residential land use policies.

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 and connect to existing municipal services.

- 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 lot configuration proposed conforms with the Grand River Conservation Authority's requirement for safe access to Mitchell Street.

Staff are satisfied that the proposed severances and easements 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.

## **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 site-specific Low Density Residential (RL.1-26) and is within the Older Built-up Area Overlay under City of Guelph Zoning By-law (2023)-20790, as amended. The property went through approved Zoning By-law Amendment application OZS24-011 to permit four semi-detached dwelling units on four lots, each with two Additional Dwelling Units (ADUs), for a total of 12 dwelling units.

Building staff is requesting a condition to demolish the existing building on the lands prior to the severance being finalized.

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

## **Alectra Utilities**

See attached correspondence from Alectra Utilities.

## **Grand River Conservation Authority (GRCA)**

See attached correspondence from the GRCA.

## **Comments from the Public**

None

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## **Contact Information**

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

519-822-1260 Extension 2524

[cofa@guelph.ca](mailto:cofa@guelph.ca)

TTY: 519-826-9771

[guelph.ca/cofa](http://guelph.ca/cofa)