

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: B-51/25
Location: 17 Emslie Street
Hearing Date: July 10, 2025
Owner: Tibor Svitek (Owner) and 1000907066 Ontario Inc. (Purchaser)
Agent: Jeff Buisman, Van Harten Surveying Inc.
Official Plan Designation: Low Density Residential
Zoning Designation: Low Density Residential 1 (RL.1) Zone

Request:

The applicant proposes to sever a parcel of land with frontage along Emslie Street of 8.2 metres, a depth of 34.9 metres, and an area of 285 square metres.

The retained parcel will have frontage along Emslie Street of 8.2 metres, a depth of 34.9 metres, and an area of 285 square metres).

By-Law Requirements:

The property is located in the Low Density Residential 1 (RL.1) Zone, according to Zoning By-law (2023)-20790, as amended.

Staff Recommendation

Approval with Conditions

Recommended Conditions

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. All properties shall be independently serviced.
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 Certificate of Official, the owner(s) shall submit a Site Screening Questionnaire (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.
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 issuance of the Certificate of Official, the existing buildings and structures be demolished to the satisfaction of the Chief Building Official.

Committee of Adjustment Administration

10. 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.
11. 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.
12. 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.

13. 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).
 14. 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

17 Emslie Street (the "subject lands") is designated "Low Density Residential" in the 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 predominant land use in this designation is residential and includes single detached and semi-detached dwellings, as well as associated accessory buildings to such dwellings.

The subject lands are zoned "Low Density Residential" (RL.1) in Zoning By-law (2023)-20790, as amended, which permits the proposed semi-detached dwelling and additional dwelling units (ADU).

The applicant is proposing to sever the subject lands to create one new residential lot with one retained lot. The subject property currently contains an existing single detached dwelling which is proposed to be removed. A new semi-detached dwelling is proposed to be constructed on the proposed severed and retained lands.

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 lots and semi-detached dwelling conform with the existing RL.1 regulations of the 2023 Zoning By-law.

Policy 9.3 of the Official Plan provides several objectives to be achieved in the residential designations in the City. In providing new housing, consideration is to 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, several objectives emphasize the need to ensure compatibility of new development in residential areas, including maintaining the general character of built form in existing established residential neighbourhoods while accommodating compatible residential infill and intensification (9.3 (f)). New development is also to be compatible with and preserve the general character of established neighbourhoods (9.3 (i) and (m)). The proposed severance will result in a semi-detached dwelling, each with 2 additional dwelling units for a total of 6 dwelling units on the subject lands. The

proposed dwellings and lots conform with the “Low Density Residential” designation and will maintain the existing character of the neighbourhood while allowing for gentle intensification.

The City’s Official Plan also outlines eleven development criteria for intensification proposals such as this one in section 9.3.1.1. 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” is defined in the Official Plan as development that 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 and ADUs would maintain similar form, scale, height and siting to the existing two-storey dwellings located adjacent to the severed and retained lots and to the rear along Waterloo Avenue. The proposed development conforms with all the required setbacks and height requirements of the RL.1 zone per the 2023 Zoning By-law. The proposed front yard setbacks are also consistent with the adjacent neighbouring properties on Emslie Street.

In the opinion of staff, the 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 subject property currently has a frontage of 16.4 metres along Emslie Street. The proposed severed and retained lots will meet and/or exceed the minimum required frontage in the Zoning By-law and are similar to the frontages of adjacent properties to the rear on Waterloo Avenue. Staff are satisfied that the proposed frontage 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 within 800m (a 10-minute walk) of parks, restaurants, and bus stops located along Wellington Street West, Gordon Street and Waterloo Avenue.

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 do 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 semi-detached dwelling and associated ADUs will be accessed by two, 4.9 metre wide driveways that are proposed to front onto Emslie Street. The proposed driveways and attached garages provide 2 legal parking spaces per lot. The proposed amount of parking is sufficient to meet the Zoning By-law requirements for the semi-detached dwelling and ADUs.

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

Engineering staff have reviewed the application and are of the opinion that a site servicing plan, functional servicing report, and cost estimates are required, and have recommended conditions to this effect.

7. Surface parking and driveways shall be minimized.

The proposed driveways and parking spaces conform with the Zoning By-law, including maximum driveway width provisions.

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 will 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 believe that a grading and drainage plan is necessary to demonstrate that any additional runoff from the development will be mitigated and have recommended conditions accordingly.

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. The proposed development is in proximity to Royal City Park.

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 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 the proposed lots have direct access to existing public roads and 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 is near public and private amenities such as schools, public transit, and parks.

Staff are satisfied that the proposed severance meets the Consent policies of the Official Plan and recommend approval of the applications.

Engineering Services

Engineering has reviewed the requested consent application and recommends the above noted conditions. Brief summaries of engineering's conditions have been provided below:

Stormwater Management: A stormwater management report is necessary to ensure stormwater management criteria are met. Staff encourage the applicant to confirm for themselves that their intended design will meet all requirements, including those for stormwater management, during the detailed review stage. A stormwater management report condition has been recommended.

Grading and Drainage: A grading and drainage plan is necessary to help demonstrate that any additional runoff from the development will be mitigated. A grading and drainage condition has been recommended.

Servicing: A site servicing plan, functional servicing report, and cost estimates are necessary as there are servicing and infrastructure works proposed within the right of way. Site servicing related conditions have been recommended.

Environmental Engineering: An SSQ is necessary to meet applicable municipal and provincial guidelines. The results of SSQ could potentially require additional reports (phase 1, Phase 2 ESA, etc.) per Appendix A of the City's Guidelines for Development of Contaminated or Potentially Contaminated Sites. An environmental engineering condition has been recommended.

Transportation/Traffic: No transportation engineering-related conditions are recommended.

Noise: No noise study related conditions have been recommended.

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 to create a total of two lots containing a semi-detached dwelling.

The Zoning By-law permits each semi to contain a total of 3 dwellings – 1 main dwelling and 2 additional dwelling units (ADU's). The existing single detached dwelling and detached garage are proposed to be demolished. The maximum height permitted is three storeys.

The applicant shall ensure the use of the dwellings is not considered a lodging house. Please review the following city webpage for lodging house information:

<https://guelph.ca/city-hall/planning-and-development/community-plans-studies/shared-rental-housing/lodging-house-regulations/>

The applicant shall be aware of the following regulation for any proposed ADU on the property as 1.3m interior side yards are being proposed:

- A 1.2 metre wide unobstructed pedestrian access shall be provided to the entrance of an additional dwelling unit, unless access to the additional dwelling unit is provided directly from a street or lane. A gate may be constructed within the pedestrian access, but no encroachments are permitted within the 1.2 metre width, including exterior stairs, window wells, air conditioners, etc. As a 1.2 metre interior side yard setback is proposed, there will likely be obstructions along the side property line which will impact the 1.2 metre wide unobstructed path to any proposed side or rear dwelling accesses.

Building is requesting a condition that the existing building and accessory structures on the property be demolished so they do not cross the proposed property lines prior to the severances being finalized.

Building permits are required prior to any construction of the dwellings, at which time requirements under the Ontario Building Code will be reviewed.

Building Services supports Planning and Engineering recommendations subject to the requested condition.

Metrolinx

See attached correspondence from Metrolinx.

Comments from the Public

Yes (see attached)

Contact Information

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