

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: B-52/25
Location: 4 June Avenue
Hearing Date: July 10, 2025
Owner: Siu Ying and Poon and Clinton Chan
Agent: Jon Crummer Homeridge Design
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 June Avenue of 7.77 metres, a depth of 32 metres, and an area of 248.7 square metres.

The retained parcel will have frontage along June Avenue of 7.77 metres, a depth of 32 metres, and an area of 248.7 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.

Please note that the public notice indicated that each of the proposed semi-detached dwelling units is proposed to have 1 internal additional dwelling unit (ADU). However, it has since been confirmed with the applicant that each of the proposed semi-detached dwelling unit is proposed to have 2 internal ADUs, for a total of 6 residential units between the severed and retained parcels. According to the 2023 Zoning By-law, a semi-detached dwelling unit is permitted to have a maximum of 2 internal ADUs.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Planning Services

1. Prior to the issuance of the Certificate of Official (if applicable) and/or prior to undertaking activities which may injure or destroy regulated trees, the applicant shall submit a Tree Inventory and 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 Injury or Removal Permit by the City may be required prior to any works taking place on the subject property.

Engineering Services

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. All properties shall be independently serviced.
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 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.
6. 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.
7. 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.
8. 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.
9. 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

10. 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

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@guelph.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

The subject property is designated as "Low Density Residential" in the Official Plan. The "Low Density Residential" land use designation permits a range of housing types within the built-up area of the City, including semi-detached dwellings and Additional Dwelling Units (ADUs). The subject property is zoned "Low Density Residential 1" (RL.1) in Zoning By-law (2023)-20790, which likewise permits the proposed semi-detached units and ADUs.

The applicant is proposing to sever the subject lands, resulting in one severed lot and one retained lot to facilitate the development of two semi-detached units, each with 2 internal ADUs for a total of 6 units. Both severed and retained lots will be identical in size, with a frontage of 7.77 metres and lot area of 248.7 square metres, and face onto June Avenue.

Policy 10.9.1.2 of the Official Plan provides 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 the criteria for plans of subdivision and are satisfied that the consent applications conform 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.

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 the semi-detached dwelling units within the Built-up Area.

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 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.

Staff are of the opinion that the severance meets the Consent policies of the Official Plan. No variances from the Zoning By-law are requested to permit the severance. Overall, the proposed severance conforms with the Official Plan and staff recommend approval of the consent application.

The City's Private Tree Protection By-law regulates trees 10 centimetres and larger in diameter (measured at 1.4 metres above the ground) on private property larger than 0.2 hectares and trees 30 centimetres and larger in diameter (measured at 1.4 metres above the ground) on all private property. Therefore, staff recommend that the above mentioned Tree Inventory and Preservation Plan condition be imposed. Please be aware that where preservation is not possible, as agreed to by the City, compensation is required either in the form of Replacement Trees or a Replacement Tree Fee, or a combination of the two at the discretion of City staff. Related fees rates are set out in the City's User Fees Bylaw, while Replacement Tree rates are set out in the Tree Technical Manual (TTM).

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: Engineering notes that a grading and drainage plan was submitted with the application package, however it will need to be reviewed in conjunction with a storm water management report. 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) under Council approved Comprehensive Zoning By-law (2023)-2079, as amended. The applicant is proposing to sever the property to create a total of two lots to construct a semi-detached dwelling. It is noted that each semi is permitted contain a total of 3 dwellings – 1 main dwelling and 2 additional dwelling units (ADU's). The maximum height permitted under the Zoning By-law is three storeys. The existing single detached dwelling is proposed to be demolished.

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 the proposed ADU's on the property:

- 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 buildings and 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.

Comments from the Public

Yes (see attached)

Contact Information

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