

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: B-53/25
Location: 47 and 87 Hyland Road
Hearing Date: July 10, 2025
Owner: Thresholds Homes and Supports Inc.
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 Hyland Road of 27.4 metres, and an area of 0.14 hectares.

The retained parcel will have frontage along Hyland Road of 274.7 metres, and an area of 4.34 hectares.

By-Law Requirements:

47 Hyland Road is located in the Low Density Residential 2 (RL.2) Zone and Natural Heritage System (NHS) Zone, and 87 Hyland Road is located in the Urban Reserve 1 (UR.1) Zone, and Natural Heritage System (NHS) Zone, according to Zoning By-law (2023)-20790, as amended.

Staff Recommendation

Deferral

Comments

Planning Services

47 and 87 Hyland Road (the "subject property") includes a residential dwelling unit with an associated manicured yard, and a large wooded and wetland area that is designated as Natural Heritage System (NHS) in the City's Official Plan (OP). A small portion of the subject property comprising most but not all of the manicured yard and existing dwelling is designated as Low Density Residential in the OP.

The NHS Official Plan policies are intended to ensure the long-term protection, maintenance and restoration of the NHS, which is accomplished through the

designation and identification of natural heritage features and their functions and policies which limit activities within and adjacent to the NHS.

The OP restricts permitted uses within the NHS through policy 4.1.2 (General Permitted Uses), which states:

1. *Development* and *site alteration* shall not be permitted within the Natural Heritage System, including *minimum* or *established buffers*, except for the following uses:
 - i. legally existing uses, buildings or structures;
 - ii. passive recreational activities;
 - iii. low impact scientific and educational activities;
 - iv. fish and wildlife management;
 - v. forest management;
 - vi. habitat conservation; and
 - vii. *restoration* activities.

The policies also identify the need for Environmental Impact Statements (EIS) to ensure that some permitted activities, such as trail construction or habitat conservation, will not result in negative impacts to the NHS features or functions.

The area where the dwelling unit is located includes lands that are part of the minimum required buffers associated with the wetland and woodland on the subject property. The limits of the woodland and wetland on the property and the minimum required associated buffers are identified on Map 1 provided by the applicant ("47 Hyland Road, Guelph, Assessment of Reduced Buffer Widths" Memo prepared by NRSI, dated June 9, 2025). The OP policies do not permit development, including lot creation, within the NHS or the associated buffers.

As noted above, a portion of the lands surrounding the dwelling unit on the proposed severed lands include lands that are part of the minimum required buffers associated with the wetland and woodland on the subject property. The use of the house and manicured area around it has been established for over 25 years as confirmed through available aerial imagery. Given the historical use of the lands proposed to be retained, staff acknowledge that the area identified as "Lands to be severed" on the Severance Sketch (Appendix 1 of the application package, Van Harten, dated June 9, 2025) can be considered an existing use. As such, there may be support for considering the proposed severance provided the retained lands are managed and protected in accordance with the OP policies.

The OP has provisions for considering alternative means of protecting and managing the NHS through options that include the conveyance of the land to the City, a public agency or a land trust (OP Policy 4.1.1.19). The application proposes to convey the retained lands to a land trust, which may meet the intent of the policies. In order for staff to support the subject application, information will be required to demonstrate that the conveyance will result in management and

protection of the NHS in a manner that is consistent with the OP policies, including proposed uses and evaluation of potential impacts to the NHS through an EIS. To date, the City has not received any information to detail how the proposed retained lands would be managed once donated to the land trust. Staff request deferral of the subject application to provide the applicant time to have the proposed recipient of the retained lands provide a management plan, or other similar information, to demonstrate how the land trust will ensure the long term protection of the NHS in accordance with the intent and requirements of the OP policies. Once a preliminary land management plan is received, staff will be in a better position to understand and evaluate conformity of the proposed use and management of the lands with the permitted uses in the NHS. A preliminary or full land management plan will also allow staff to identify any further technical requirements or agreements which may be required either as requirements or conditions of approval for the subject application, or through separate processes.

Based on the consideration of all relevant policies and the site-specific context, it may be possible for the application to meet the intent of the OP policies. In order to ensure that the policy framework is addressed satisfactorily, additional information will be required to demonstrate that the retained lands will be used and managed in a manner that is consistent with the NHS policies.

In summary, Planning staff request deferral of the application until such time as information is provided by the land trust to outline the protection and management of the NHS under the receiving land trust.

Engineering Services

As this consent does not involve any physical changes to the property or any proposed structures, engineering has no concerns with the requested consent application.

We agree with the recommendations made by Planning and Building staff.

Building Services

47 Hyland Road is zoned Low Density Residential 2 (RL.2) and Natural Heritage System (NHS), and 87 Hyland Road is zoned Natural Heritage System (NHS), under Comprehensive Zoning Bylaw (2023)-20790, as amended. The applicant is proposing to sever the one parcel with 2 addresses which have been merged on title. The severance does not reinstate the original lot lines, but creates 2 new lots.

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

Building Services supports Planning and Engineering recommendations.

Grand River Conservation Authority (GRCA)

See attached correspondence from the GRCA.

Comments from the Public

None

Contact Information

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