

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Numbers: B-6/20, A-29/20 and A-30/20
Location: 25-27 Green Street
Hearing Date: July 9, 2020
Owner: Roelfien Di Sapio
Agent: Hugh Handy, GSP Group Inc.
Official Plan Designation: Low Density Residential
Zoning: Residential Single Detached (R.1B) Zone

File B-6/20: Consent

Request: The applicant proposes to sever a parcel of land with frontage along Norwich Street of 19.2 metres and an area of 280 square metres. The retained parcel will have frontage along Green Street of 19.2 metres and an area of 325 square metres.

File A-29/20: Minor Variance (retained parcel)

Request: The applicant is seeking relief from the By-law requirements to permit:

- a) a minimum lot area of 325 square metres; and
- b) a minimum front yard setback of 0.05 metres for an open roofed porch.

File A-30/20: Minor Variance (severed parcel)

Request: The applicant is seeking relief from the By-law requirements to permit:

- a) a minimum lot area of 280 square metres;
- b) a minimum front yard setback of 0.3 metres for the proposed dwelling; and
- c) a minimum front yard setback of 0.3 metres for an open roofed porch.

By-Law Requirements:

The By-law requires:

- a) a minimum lot area of 460 square metres;
 - b) that the minimum front yard shall be 6 metres or the average of the setbacks of the adjacent properties [being 1.4 metres for Norwich Street, and 1 metre for Green Street]; and
 - c) an open, roofed porch of 1 storey to have a minimum front yard setback of 2 metres.
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Staff Recommendation

Approval with Conditions

Recommended Conditions

File B-6/20: Consent

Planning Services

1. That prior to the issuance of building permit(s) for a new dwelling and detached garage on the "severed" parcel, a plan shall be submitted to, and approved by the General Manager of Planning and Building Services, indicating the location and design of the new dwelling and detached garage.
2. That prior to the issuance of building permit(s) for a new dwelling and detached garage on the "severed" parcel, elevation and design drawings for the new dwelling and detached garage on the "severed" parcel shall be submitted to, and approved by the General Manager of Planning and Building Services.
3. That prior to the issuance of the Certificate of Official, any portions of the existing semi-detached dwelling that interfere with or obstruct the new rear lot line shall be demolished to the satisfaction of the General Manager of Planning and Building Services.
4. That prior to the issuance of the Certificate of Official, the Owner(s) shall enter into an agreement with the City, registered on title, agreeing to satisfy the conditions noted below and to develop the site in accordance with the approved plans.

Engineering Services

5. That the Owner(s) agrees to pay the actual cost of the construction of the service laterals to the proposed severed and retained lands, including the cost of all restoration, works within the City's right of way. The Owner(s) agrees to pay the estimated cost of the works as determined by the General Manager/City Engineer being paid prior to the issuance of Building Permit.
6. That the Owner(s) provides a servicing plan, showing the lateral connections to the City's infrastructure for review and approval for both the severed lands and the retained lands, prior to the issuance of the Certificate of Official.
7. That the Owner(s) constructs the new dwellings at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
8. That the Owner(s) provides a full grading plan for review and approval to City for both severed lands and the retained lands. The grading plan must be submitted prior to the issuance of the Certificate of Official.

9. That the Owner(s) agrees to maintain the existing drainage patterns and agrees to convey existing drainage for adjacent lands if required.
10. That the Owner(s) provides a stormwater management brief for the severed and the retained parcel, prior to issuance of the Certificate of Official.

Committee of Adjustment Administration

11. That minor variance applications A-29/20 and A-30/20 are approved at the same time as the consent application, and become final and binding.
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.

File A-29/20: Minor Variance (retained parcel)

Committee of Adjustment Administration

1. That consent application B-6/20 receives final certification of the Secretary-Treasurer and be registered on title.

File A-30/20: Minor Variance (severed parcel)

Planning Services

1. That the location of the single detached dwelling be in the same general location as shown on the Public Notice sketch.

Committee of Adjustment Administration

2. That consent application B-6/20 receives final certification of the Secretary-Treasurer and be registered on title.
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Comments

Consent File B-6/20

Planning Services

The subject lands are designated "Low Density Residential" in the Official Plan. This designation applies to residential areas within the designated Built-Up Area of the City which are predominantly low-density in character. This land use designation permits single detached, semi-detached and duplex dwellings as well as multiple unit residential buildings such as townhouses and apartments. All residential development within the "Low Density Residential" designation is to be between a net density of 15 and 35 units per hectare.

The subject property is zoned "Residential Single Detached" (R.1B), according to Zoning By-law (1995)-14864, as amended, which permits single detached dwellings.

As part of the overall development proposal on the subject lands, the applicant is requesting consent to sever the existing through lot between Green Street and Norwich Street West. The subject lands currently contain a legal non-confirming semi-detached dwelling facing Green Street. The severance will create a new (severed) parcel fronting onto Norwich Street. A new single detached dwelling with a detached garage is proposed for the severed parcel. The retained parcel will front onto Green Street and contain the existing semi-detached dwelling. The applicant has indicated to Planning staff that it is the property owner's intent to convert the legal non-confirming semi-detached dwelling to a single detached dwelling. Both the severed and retained parcel require variances to recognize the both building envelopes of the proposed single detached dwelling and existing building.

Planning 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. Further, Planning staff are also of the opinion that the requested variances meet the four tests under Section 45(1) of the Planning Act. Finally, Planning staff have consulted with and reviewed the comments provided by Engineering and Zoning staff and support their comments. It is recommended that the Committee approve the consent and minor variance applications subject to the conditions noted above.

Policy 9.3(f) of the Official Plan speaks to maintaining the general character of built form in existing established residential neighbourhoods while accommodating compatible residential infill and intensification.

Official Plan policy 9.3.1.1 outlines development criteria for intensification proposals within existing residential neighbourhoods. Policy 9.3.1.1 speaks to building form, scale, height, setbacks, massing, appearance and siting being compatible in design, character and orientation with buildings in the immediate vicinity. Policy 9.3.1.1(2) states that proposals for residential lot infill will be compatible with the general frontage of lots in the immediate vicinity.

The residential area surrounding the subject property is comprised of generally consistent lot sizes and the building placement of existing single detached dwellings. The subject lands are one of the only through lots on the block. The proposed severance is considered to be compatible with the existing neighbourhood as it will create a lot fabric that is consistent with the configuration of surrounding properties.

The proposed consent meets the policies in 9.3.3 for development on lands within the Low Density Greenfield land use designation. The subject lands are 0.06 hectares (605 square metres), and with 2 single detached dwellings, will have a net density of 33.3 units per hectare.

Policy 10.10.1 of the Official Plan provides criteria that is to be considered when evaluating Consent applications. Below is an evaluation of these policies as it relates to the subject consent application:

i. That all of the criteria for plans of subdivision are given due consideration.

Staff have reviewed subdivision criteria of the Official Plan (Policy 10.9.1) 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 for this application. This application will sever an existing through lot in a manner that both the severed and retained parcels will have frontage onto two existing public roadways.

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 does not restrict or hinder the ultimate development of the lands. The proposed development represents a logical and compatible layout of lots that are appropriate to accommodate single detached dwellings in close proximity to the Downtown 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 lot fabric is consistent with what currently exists in the surrounding neighbourhood. Further, the proposed development can be serviced by existing infrastructure and public and private amenities such as schools, parks and retail.

The requested variances are desirable to the overall development proposal as they will ensure the proposed single detached dwelling as well as the existing semi-detached dwelling will be placed in a consistent manner on the lots with the other dwellings on the streets. The reduced setbacks and lot sizes requested are similar in nature to what exists in the surrounding neighbourhood.

Engineering Services

The applicant proposes to sever a parcel of land with a frontage along Norwich Street of 19.2 metres and an area of 280 square metres. The retained parcel will have a frontage along Green Street of 19.2 metres and an area of 325 square metres.

We have no objection to the requested consent for severance of a parcel of land, subject to the conditions noted above.

Building Services

The property is located in the Residential Single Detached (R.1B) Zone. The applicant proposes to sever a parcel of land with a frontage along Norwich Street of 19.2 metres and an area of 280 square metres. The retained parcel will have a frontage along Green Street of 19.2 metres and an area of 325 square metres.

Building Services does not object to this application.

Bell Canada

See attached correspondence received from Bell Canada. Please note that if consent approval is required for the requested easement, a separate consent application will be required.

Minor Variance Files A-29/20 and A-30/20

Planning Services

To facilitate the construction of a new single detached dwelling on the severed parcel, three variances are required. The first variance is to permit a reduced lot area of 280 square metres whereas a minimum lot area of 460 square metres is proposed. The second is to permit a reduced front yard setback of 0.3 metres whereas a minimum setback of 1.4 metres is required. The third and final variance for the severed parcel is to permit a reduced front yard setback to a covered porch of 0.3 metres whereas a minimum setback of 2 metres is required.

For the retained parcel, two variances are required. The first variance is to permit a reduced lot area of 325 square metres whereas a minimum lot area of 460 square metres is required. The second variance is to permit a reduced front yard setback to a covered porch of 0.05 metres whereas a minimum setback of 2 metres is required.

It is Planning staff's opinion that the variances for both the severed and retained parcels maintain the general intent and purpose of the Official Plan. The Official Plan encourages more efficient use of vacant and under-utilized lots, with infill development specifically promoted in the Built-Up Area. Further, infill development and intensification is to be compatible with and maintain the character of the surrounding area. The variances requested will facilitate reasonable and logical infill development on an underutilized portion of the subject lands. The portion of the subject lands where the new lot (severed parcel) is proposed is currently covered in gravel. The variances will allow for the placement of a compatible and a similar scale of residential infill development to the surrounding area. The addition of a

new single detached lot will not have an adverse impact on the existing established residential area.

It is Planning staff's opinion that the variances for both the severed and retained parcels maintain the general intent and purpose of the Zoning By-law. The requirement for a minimum lot size for single detached dwellings is to ensure there is adequate space to contain the single detached dwelling while maintaining setbacks, associated off-street parking and outdoor amenity and landscaping area. Given the context of the area, Planning staff are satisfied that this is met for both the severed and retained parcels. The proposed area of both the severed and retained parcel is similar to adjacent and surrounding lots. The lot size will also allow for sufficient outdoor space in an urban context close to the Downtown. The severed parcel will allow for a detached garage in the rear yard, which is similar to what is found on several other properties in the immediate area. Next, the requirement to have minimum front yard setbacks to dwellings and porches is to ensure a consistent streetscape, while having adequate space between buildings and road rights-of-way. The applicant's request for variances to permit reduced front yard setbacks to the new dwelling and covered porches meets this general intent as the development will maintain a consistent streetscape and continue to allow sufficient space between the buildings (approximately 4-5 metres) and both Green Street and Norwich Street West.

The proposed variances are desirable for the appropriate development of the lands. The reduced setbacks and lot area variance will allow for the compatible infill of a new dwelling on the Norwich Street West streetscape where there is a current gap for the existing through lot. The reduced setback of the new dwelling with an integral covered porch will be consistent in design and setback with the surrounding dwellings. The reduced setback to a covered porch existing semi-detached dwelling on Green Street will enhance the front façade of the building and be similar in form to what has previously existed on the lands.

Finally, Planning staff are of the opinion that the requested variances are minor in nature. The proposed lot fabric and built form that will result will be consistent and compatible with the existing neighbourhood and not appear to be out of scale. The variances will allow for the new single detached dwelling to be constructed at a similar setback to other dwellings on the same block. In addition, the reduced lot area of the retained and severed lots will be similar to other lots in the same block. The variances will also recognize the setback and general built form of the existing dwelling on Green Street.

Engineering Services

Engineering has no concerns with the request of seeking relief from the by-law requirements to permit a minimum lot area of 325 square metres; and a minimum front yard setback of 0.05 metres for an open-roofed porch for the retained parcel.

Engineering has no concerns with the request of seeking relief from the by-law requirements to permit a minimum lot area of 280 square metres; a minimum front yard setback of 0.3 metres for the proposed dwelling; and a minimum front yard setback of 0.3 metres for an open-roofed porch for the severed parcel.

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

Building Services

The property is located in the Residential Single Detached (R.1B) Zone. In application B-6/20 the applicant proposed to sever the rear portion of the property to create a new residential lot. The applicant further proposes to construct a single detached dwelling and a detached garage on the severed parcel. As a result, variances have been requested to both the severed and retained parcels. Building Services does not object to the associated variances requested in these applications.

A building permit will be required prior to any construction, at which time requirements under the Ontario Building Code will be reviewed.

Comments from the Public

None

Contact Information

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