

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: B-11/20
Location: 4 Sherwood Drive
Hearing Date: September 10, 2020
Owner: Roelfien Di Sapio
Agent: Hugh Handy and Sarah Code, GSP Group Inc.
Official Plan Designation: Low Density Residential
Zoning: Residential Single Detached (R.1B) Zone

Request: The applicant proposes to sever a parcel of land to create a new irregular shaped lot with frontage along Sherwood Drive of 15 metres and an area of 686 square metres. The retained parcel is proposed to have frontage along Renfield Street of 20.1 metres and an area of 698 square metres.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Planning Services

1. That a plan shall be submitted to, and approved by the General Manager of Planning and Building Services, prior to the issuance of a building permit for the new dwellings on the "severed" and "retained" parcels indicating the location and design of the new dwellings.
2. That prior to the issuance of a building permit, elevation and design drawings for the new dwellings on the "severed" and "retained" parcels 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, the existing house shall be demolished to the satisfaction of the Chief Building Official.

Engineering Services

4. That prior to the issuance of the Certificate of Official, the Owner(s) agrees to submit detail engineering plans for the severed and the retained lot indicating such items as proposed servicing, grading and drainage, erosion and sediment

control and access to the satisfaction of the General Manager/City Engineer. A Professional Engineer shall certify such plans.

5. That prior to the issuance of the Certificate of Official, the Owner(s) shall submit a stormwater management brief to the satisfaction of the General Manager/City Engineer. Such report is to be certified by a Professional Engineer and is to be prepared in accordance with the City's Engineering Guidelines.
6. That prior to the issuance of a building permit, the Owner(s) shall provide a plot plan that shows that the proposed building, grading and drainage are in conformance with the approved overall drainage and grading plan.
7. That prior to the issuance of any building permit, the Owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
8. That the Owner(s) shall pay the estimated and the actual cost for decommissioning and removal of any services as determined by the General Manager/City Engineer.
9. That the Owner(s) agrees to pay the actual cost of the construction of the service lateral 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 a building permit.
10. 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.
11. That prior to the issuance of any building permit, the Owner shall apply and obtain an entrance permit.
12. 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.

Alectra Utilities

13. That prior to issuance of a building permit, the applicant make arrangements with the ICI Department of Alectra Utilities for the underground servicing of the newly created lot. The proposed new driveway must be 1.5 metres away from the existing street-light pole. If this cannot be maintained, the pole will have to be relocated. The servicing and the possible street-light pole relocation would be at the applicant's expense.

Committee of Adjustment Administration

14. 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.

15. 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.
 16. 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.
 17. 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).
 18. 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 "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, semi-detached, duplex dwellings and 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.

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 and diversity (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)).

Planning staff are of the opinion that the proposed severance meets the objectives for the residential land use designations, and that the proposed new lot, land use and overall built form is compatible with the surrounding established residential area. The proposed severance will create one new residential lot and a smaller severed lot for single detached dwellings in accordance with the Low Density

Residential land use designation. Both Sherwood Drive and Renfield Street are comprised of properties with single detached dwellings. The proposed severance is proposed for an existing corner lot, which will allow for variety and appropriate spacing along the streetscapes.

Official Plan policy 9.3.1.1 outlines development criteria for intensification proposals within existing residential neighbourhoods. Planning staff have evaluated the severance proposal to this and are satisfied that it is consistent and meets all criteria. Specifically, the building form, scale, height, setbacks, massing, appearance, parking layout and siting are compatible in design, character and orientation with buildings in the immediate vicinity. All properties surrounding the site are zoned for single detached dwellings. The proposed severance meets or exceeds all of the minimum zoning regulations for new single detached dwellings in the R.1B zone. The proposed infill development can be fully serviced and will not have an adverse impact on the safe operation of adjacent roads.

The above policies, criteria and objectives, together with policies regarding development within the Built-up Area and Intensification (Section 3.7), encourage the creation of new low density residential lots within the older established areas of the City, provided that the proposed development is compatible with the surrounding residential environment. The Official Plan defines "compatible" as being development or redevelopment which may not necessarily be the same as, or similar to, the existing development, but can co-exist with the surrounding area without an unacceptable adverse impact.

The proposed consent meets the policies in section 9.3.2 for development on lands within the Low Density Residential land use designation. The subject lands are 0.1384 hectares, and with 2 single detached dwellings, will have a net density of 14.45 units per hectare.

Policy 10.10.1 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 application:

- a) 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.

- b) 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.

- c) 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 within the Built-up Area.

- d) 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 subject property is zoned 'Residential Single Detached' (R.1B) according to Zoning By-law (1995)-14864, as amended, which permits single detached dwellings. The proposed severance will create one new residential building lot. The property is currently occupied by a single detached residential dwelling, which will be demolished to allow for the creation of a new lot and subsequent construction of two new dwellings. The proposed "retained" and "severed" parcels will have lot frontages and lot areas which meet or exceed all of the minimum requirements of the R.1B Zone.

The subject lands have full municipal services (water and sanitary sewer) available along both Sherwood Drive and Renfield Street. Engineering staff have confirmed that capacity is available to service both the severed and retained parcels.

The subject property is less than 0.2 hectares in size and therefore is not regulated by the Private Tree Protection By-law. However, consistent with the policies of the Official Plan, the City is committed to the protection and enhancement of its Urban Forest resources. Staff encourages the applicant to consult with an arborist in order to retain and protect as many trees as possible on the subject property.

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. Staff recommend approval of the application subject to the conditions noted above.

Engineering Services

The applicant proposes to sever a parcel of land to create a new irregular shaped lot with frontage along Sherwood Drive of 15 metres and an area of 686 square metres. The retained parcel is proposed to have frontage along Renfield Street of 20.1 metres and an area of 698 square metres.

Engineering has no concerns with the requested proposal subject to the conditions noted above.

Building Services

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to remove the existing single detached dwelling and create a new lot. A new single detached dwelling is proposed to be constructed on the severed parcel and the retained parcel.

Building Services does not object to this application to sever a parcel of land to create a new irregular shaped lot with frontage along Sherwood Drive of 15 metres and an area of 686 square metres.

Alectra Utilities

Alectra Utilities is in support of this application subject to the condition noted above (see attached).

Comments from the Public

Yes (See Attached)

Contact Information

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