

# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: A-54/20  
Location: 64 Bishop Court  
Hearing Date: November 12, 2020  
Owner: Stephen and Tina Gill  
Agent: N/A  
Official Plan Designation: Low Density Residential  
Zoning: Residential Single Detached (R.1A) Zone

**Request:** The applicant is seeking relief from the By-Law requirements to permit the existing above-ground pool with the existing associated deck to be setback a minimum of 0.0 metres from the rear lot line.

**By-Law Requirements:** The By-Law requires that every swimming pool or hot tub shall be located a minimum of 1.5 metres from any lot line; and any decking associated with the pool that is above 0.6 metres from finished grade, shall be located a minimum 1.5 metres from a lot line.

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## Staff Recommendation

### Approval with Conditions

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## Recommended Conditions

### Engineering Services

1. That the owner(s) shall enter into, or amend any existing, encroachment agreement(s) in accordance with City Lands Encroachments By-law (2009)-18799, as may be amended from time to time, or any successor By-law(s) thereto, at the discretion of the City and to the satisfaction of the City Solicitor, for any and all actual or proposed encroachments within the City's right of way.
  2. That the variance applies for a maximum time period of 10 years.
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## Comments

### Planning Services

The subject property is designated "Low Density Residential" in the City's Official Plan. The "Low Density Residential" land use designation permits a range of housing types including single detached residential dwellings and associated swimming

pools. The requested variance conforms to the general intent and purpose of the Official Plan.

The applicant is proposing to maintain the existing above-ground pool and associated deck located in the rear yard of the property. The subject property is zoned "Residential Single Detached" (R.1A) according to Zoning By-law (1995)-14864, as amended. Section 4.5.5.3 of the Zoning By-law requires that every swimming pool be located a minimum of 1.5 metres from any lot line; and any decking associated with the pool that is above 0.6 metres from finished grade, be located a minimum of 1.5 metres from a lot line. The applicant is requesting a variance to the By-law requirements to permit the existing above-ground pool and associated deck to be setback 0.0 metres from the rear lot line.

The general intent and purpose of maintaining setbacks to a lot line is to ensure that there is an appropriate separation between structures, enough room to accommodate access and maintenance and for property drainage, if required. From the photos submitted with the application and looking at an aerial photograph, the swimming pool and deck don't appear to have any negative impacts to the neighbouring properties and are not visible from Stone Road West. Moving the pool at this time would result in a hardship to the property owners. The requested variance is considered to meet the general intent and purpose of the Zoning By-law, is considered to be desirable for the appropriate development of the lands and is also considered to be minor in nature.

The owners applied for a minor variance application in 2012 to allow for a similar variance. At the time, staff did not recommend approval of the application due to uncertainty of the timing of a road widening. The Committee of Adjustment approved the application for a time period of eight (8) years. Although, there is still no certainty with regards to, if and when, a road widening will be needed, Planning staff are in agreement with comments provided by Engineering staff and can support the variance for a maximum time period of ten (10) years, subject to the conditions recommended by Engineering.

### **Engineering Services**

Engineering Services has reviewed the application and assessed if a road widening will be required in the future on Stone Road West. Without considering the potential future development at Dolime Quarry, the current and future traffic does not warrant a road widening on Stone Road West. However, this may change if a large development is planned for the quarry area. College Avenue is planned to have a grade separation without access to Hanlon Parkway. Traffic from the quarry is likely to use College Avenue to reach the Hanlon Parkway via a full interchange at Stone Road West. With increased traffic, a road widening may be warranted on Stone Road West. The City does not know the size or timing of the development yet. Therefore, we recommend extending the encroachment agreement for another ten (10) years until the City has a clear vision of this area in the future. Engineering Services will support the variance subject to the conditions noted above.

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

## **Building Services**

This property is located in the Residential Single Detached (R.1A) Zone. The applicant is proposing to maintain the existing above-ground pool and associated deck located in the rear yard of the property. A variance from Section 4.5.5.3 of Zoning By-law (1995)-14864, as amended, is being requested.

Providing the conditions recommended by Engineering are imposed, Building Services does not object to this application.

## **Comments from the Public**

None

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## **Contact Information**

**Committee of Adjustment:** City Hall, 1 Carden Street, Guelph ON N1H 3A1

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