

February 9, 2021

28880-20

Jeff.Buisman@vanharten.com

Committee of Adjustment
City of Guelph
1 Carden Street
Guelph, Ontario
N1H 3A1

Attention: Mr. Juan da Silva

Dear Mr. da Silva:

**Re: Easement Application & Sketch
Deferred Minor Variance Application A-54/20
63 Durham Street
All of Lot 6, Plan 296
PIN 71288-0060
City of Guelph**

Please find enclosed an application for an easement on the above-mentioned property that we request be considered with Minor Variance Application A-54/20. Included with this submission are copies of the sketch, completed application form, the required deeds, PIN Report and Map and Building Plans. Payment of \$2,180 for the application fee and \$342 for the deferral fee will be made by the client by credit card.

Proposal:

Minor Variance Application (A-54/20) was submitted to the Committee of Adjustment for various zoning deficiencies attributed with a proposed addition for the existing dwelling at #63 Durham Street (PIN 71288-0060). This application was deferred at the December 10, 2020 Committee Meeting to address a servicing concern identified by Engineering Staff. Upon review, it was determined that an Easement is required for the existing sanitary sewer lateral that runs from #48 Glasgow Street and through the subject property to the sanitary sewer in Durham Street.

Enquiries made by the owner of #48 Glasgow and a review of historic records revealed that the sanitary lateral for #48 Glasgow was constructed in 1905 through the #63 Durham Street property. A locate was completed of a portion of this lateral and its position is in conformance with the 1905 sketch. The easement for the sanitary lateral has been configured to incorporate the lateral and will be 3.2m wide with an area of 69m². The proposed addition will be constructed on the easement, but the first floor will now be a carport instead of a garage. The carport will allow access with a mini-excavator to the sanitary lateral.

This application addressed the Engineering comments made by City Staff. This easement will "formalize" the existing condition by having the easement registered on title for both parcels.

572 Weber Street North, Unit 7
Waterloo ON N2L 5C6
519-742-8371

Elmira, ON:
519-669-5070

423 Woolwich Street
Guelph, ON N1H 3X3
519-821-2763

660 Riddell Road, Unit 1
Orangeville, ON L9W 5G5
519-940-4110

Collingwood, ON:
249-499-8359

www.vanharten.com

The deferral of Application A-54/20 also led to further discussion with City Staff on other concerns, especially comments made by the Heritage Planner. Suggestions were made regarding the windows, roof style and the front porch. Changes have been made to the drawings and forwarded to the Heritage Planner on January 15. The revised drawings are enclosed.

We request that the Minor Variance Application A-54/20 be brought back to the March 11, 2021 Committee of Adjustment hearing so that the minor variance application is discussed at the same time as the easement application.

Background on Minor Variance Application:

Minor Variance Application A-54/20 requests four variances as follows:

- A) To permit a proposed left side yard setback to the addition to be 0.77m instead of 1.5m as required in Section 5.1.2, Row 7 of the Zoning By-law.**
- B) To permit a proposed right side yard setback to the addition to be 0.60m instead of 1.5m as required in Section 5.1.2, Row 7 of the Zoning By-law.**
- C) To permit a proposed front yard setback to an open, roofed porch to be 0.4m instead of 2.0m as required in Table 4.7, Row 3 of the Zoning By-law.**
- D) To permit the proposed interior parking space width to be 2.9m instead of 3.0m as required in Section 4.13.3.2.2 of the Zoning By-law.**

A one storey, single-detached dwelling currently exists at 63 Durham Street and an addition is proposed. The proposal is for a 2nd storey addition along with an attached car port and covered deck at the rear, as well as an open-roofed porch at the front.

The zoning for the subject property is Residential R.1B which permits a single-detached dwelling. The frontage and lot area are under the required minimums but are considered legal non-conforming and will remain as such. The majority of the minor variance requests were considered legal non-conforming as this is an old dwelling, however with the second storey addition and proposed garage the variances are required to bring the parcel into conformance. The existing west side yard is 0.77m and we are addressing this as a minor variance request to acknowledge the deficiency. The proposed addition will reduce the east side yard from 3.67m to 0.60m and we are addressing this in the variance request. An open, roofed porch is proposed and the front yard setback to this will be 0.4m instead of 2.0m as required in the Zoning By-law. Lastly, the interior parking space in the proposed garage will have a width of 2.90m which is slightly under the 3.0m minimum, however it is large enough to fit a car.

The variance for the open roofed porch is very reasonable in light of the environment on the street. Durham Street is 30.18m wide which is 50% greater than the typical/standard road width of 20.1m. All the houses on the street have, therefore, been constructed relatively close to the front property line. The front yard extends 6.3m further in front of the property line (6.3m from the front property line to the house side of the public sidewalk). The curb of the road is another 4m into the road. There is no atmosphere of squishing this porch into the property.

We consider these requests to be minor as they follow the general intent of the Official Plan and Zoning By-law and will not have a negative effect on the neighbouring parcels. The dwellings on the two neighbouring parcels are set further inward on their respective properties, and therefore the reduced side yard will not impact the property or adjacent lots. Furthermore, the adjacent dwellings and others on this block are all 1^{1/2} to 2 storeys and the proposed addition will fit the character of the area.

The proposal is very practical and provides a great opportunity to increase the house size and renovate the existing dwelling while working with the existing set-back deficiencies.

Please call me if you or the Planning Staff have any questions.

Very truly yours,
Van Harten Surveying Inc.



Jeffrey E. Buisman B.E.S., B.Sc.
Ontario Land Surveyor

cc Zachary Fischer, Mezcon Construction
cc Victor Zadro