

# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: A-18/21  
Location: 86 Arthur Street North  
Hearing Date: February 25, 2021  
Owner: Robert Bell and Anna Marie Shaftoe  
Agent: Kelly Wilson, Volumes of Space  
Official Plan Designation: Low Density Residential, Significant Natural Areas and Natural Areas, and Two-Zone Fringe  
Zoning: Residential Single Detached (R.1B) and Floodway (FL)

**Request:** The applicant is seeking relief from the By-Law requirements to permit a minimum right side yard setback of 0.6 metres for the proposed single car attached garage.

**By-Law Requirements:** The By-Law requires a minimum side yard setback of 1.5 metres for single detached dwellings of one to two storeys.

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## Staff Recommendation

### Approval with Conditions

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## Recommended Conditions

### Planning Services

1. That the side yard setback of 0.6 metres apply only to the proposed single storey garage addition on the right (west) side of the property as shown on the public notice sketch.

### Engineering Services

2. That an Erosion and Sediment Control Plan be prepared in accordance with the City's guidelines and approved to the satisfaction of the General Manager/City Engineer prior to the issuance of a building permit.
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## Comments

### Planning Services

The subject property is designated "Low Density Residential" and "Significant Natural Areas and Natural Areas" on Schedule 2: Land Use Plan and is shown as

being within the "Two-Zone Fringe" on Schedule 3: Development Constraints in the Official Plan. The "Low Density Residential" land use designation applies to the portion of the property closer to Arthur Street North and the "Significant Natural Areas and Natural Areas" applies generally to the portion closer to the river. The "Low Density Residential" land use permits a range of housing types including single detached residential dwellings. Within the "Significant Natural Areas and Natural Areas" development or site alteration is not permitted. The applicant's proposed construction of a single storey attached garage is contained within the "Low Density Residential" portion of the property. The requested variance conforms to the general intent and purpose of the Official Plan.

The proposed garage is located within adjacent lands to the Natural Heritage System (NHS) where an Environmental Impact Study (EIS) is generally required to demonstrate no negative impacts on the NHS. However, NHS policy does allow for the EIS to be scoped. As the area where the garage is proposed is already developed with a shed, deck and backyard, and because the scale of the garage is minor, an EIS is not required for the proposal.

Given the proximity of the proposed building to the floodway and the natural heritage system, engineering staff are recommending a condition for an erosion and sediment control plan. Planning staff are in agreement with this condition.

The front portion of the subject property is zoned "Residential Single Detached" (R.1B) and the back portion of the subject property is zoned "Floodway" (FL) according to Zoning By-law (1995)-14864, as amended. The proposed garage is located on the portion zoned "Residential Single Detached" (R.1B). A single detached dwelling is a permitted use in this zone. The applicant's proposed construction of a single storey attached garage will have a side yard setback on the right (west) side of the property of 0.6 metres, when the by-law requires a side yard setback of 1.5 metres for the attached garage.

The general intent and purpose of the Zoning By-Law in requiring a side yard setback is to provide adequate separation from buildings on adjacent properties in proportion to the building's height, to maintain access to the rear yard and to allow for proper lot grading and drainage.

The existing dwelling currently does not have a garage and the right (west) side yard is used as the legal parking space for the property. The proposed garage addition will maintain the legal parking space for the dwelling with a 0.6 metre setback and is in keeping with the character of the streetscape.

The requested variance maintains the general intent and purpose of the Official Plan and Zoning By-law, is considered desirable for the development of the land and is considered to be minor in nature.

Planning staff recommend approval of the application subject to the above noted condition.

## **Engineering Services**

The applicant is seeking relief from the By-Law requirements to permit a minimum right-side yard setback of 0.6 metres for the proposed single car attached garage.

Given the proximity of the proposed building to the floodway and the natural heritage system, an Erosion and Sediment Control Plan should be prepared and implemented to ensure that sediments remain on-site and not sheetflow to the adjacent features.

Engineering has no concerns with the requested variance, subject to the condition noted above.

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

## **Building Services**

The property is located in the Residential Single Detached (R.1B) and Floodway Zones.

The applicant is proposing to construct a two-storey addition at the rear of the existing detached dwelling, and construct a one-storey, single-car attached garage. A variance from Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this application to permit a minimum right side yard setback of 0.6 metres for the proposed single car attached garage.

Please note that windows may be restricted in walls located closer than 1.2 metres to the property lines and the walls may require a fire rating on the inside face. A building permit will be required prior to any construction, at which time requirements under the Ontario Building Code will be reviewed.

## **Grand River Conservation Authority (GRCA)**

The Grand River Conservation Authority (GRCA) has no objection to the minor variance application (see attached).

## **Comments from the Public**

Yes (see attached)

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## **Contact Information**

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

519-822-1260 Extension 2524

[cofa@guelph.ca](mailto:cofa@guelph.ca)

TTY: 519-826-9771

[guelph.ca/cofa](http://guelph.ca/cofa)