

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: B-7/21 and A-54/20
Location: 63 Durham Street
Hearing Date: March 11, 2021
Owner: 2778582 Ontario Ltd.
Agent: Jeff Buisman, Van Harten Surveying Inc.
Official Plan Designation: Low Density Residential
Zoning: Residential Single Detached (R.1B) Zone

B-7/21: Consent Application

Request: The applicant proposes to create a 69 square metre easement with a width of 3.2 metres for the existing sanitary sewer lateral over a portion of the right side of 63 Durham Street in favour of 48 Glasgow Street North.

A-54/20: Minor Variance Application

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

- a) a minimum left side yard setback of 0.77 metres for the proposed second storey addition and the proposed rear covered deck;
- b) a minimum right side yard setback of 0.6 metres for the proposed second storey addition and proposed carport;
- c) the proposed open, roofed porch to have a minimum setback of 0.4 metres from the front lot line; and
- d) the interior parking space within the proposed carport to have a minimum width of 2.9 metres.

By-Law Requirements: The By-law requires:

- a) a minimum side yard setback of 1.5 metres for single detached dwellings of one to 2 storeys;
- b) a minimum setback of 2 metres from the front lot line for an open, roofed porch not exceeding one storey in height; and
- c) that the minimum parking space dimensions for single detached dwellings are 3 metres by 6 metres within a garage or carport.

Staff Recommendation

Approval with Conditions

Recommended Conditions

B-7/21: Consent Application

Committee of Adjustment Administration

1. 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.
2. 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.
3. 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 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).
4. 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.

A-54/20: Minor Variance Application

Planning Services

1. That the left (west) side yard setback of 0.77 metres apply only to the proposed addition as shown on the public notice sketch.
2. That the right (east) side yard setback of 0.6 metres apply only to the proposed addition as shown on the public notice sketch.

Engineering Services

3. That consent application B-7/21 receives final certification of the Secretary-Treasurer and be registered on title.

Alectra Utilities

4. That prior to issuance of a building permit, the applicant makes arrangements with the ICI & Layouts Department of Alectra Utilities for the possible relocation of the existing overhead hydro service. This would be at the applicant's expense. If a service upgrade is required, the applicant must make arrangements with the ICI & Layouts Department of Alectra Utilities.
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Comments

Planning Services

B-7/21: Consent Application

The subject lands are designated as "Low Density Residential" in the Official Plan. The subject lands are zoned "Residential Single Detached" (R.1B) according to By-law (1995)-14864, as amended.

The applicant is proposing to establish an easement for an existing sanitary sewer lateral that runs from 48 Glasgow Street and through the subject property, 63 Durham Street, to the sanitary sewer in Durham Street. The sanitary sewer lateral is located on the right side of the subject property along the driveway where the carport with second storey addition is proposed. The carport will remain open at the front and rear to allow access to the sanitary sewer lateral. The applicant has indicated a mini-excavator will be able to access the sanitary sewer lateral with the proposed carport design.

Policy 10.10.1.2 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 or condominium are given due consideration;**

Staff have reviewed the criteria for plans of subdivision and are satisfied that the consent 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 Municipality;**

A plan of subdivision is not necessary for the proposed easement.

c) **That the land parcels to be created by the consent will not restrict or hinder the ultimate development of the lands.**

The easement is to safeguard an existing sanitary sewer lateral.

d) **That the application can be supported if it is reasonable and in the best interest of the community.**

The application is considered to be reasonable and is supportable.

Staff are satisfied that the application for the sanitary sewer lateral easement meets the Consent policies of the Official Plan and the criteria set out in Section 51(24) of the Planning Act. Planning staff recommend approval of the application.

A-54/20: Minor Variance

The subject property is designated "Low Density Residential" in the City's Official Plan. The "Low Density Residential" land use designation applies to residential areas within the built-up area of the City and permits a range of housing types including

single detached residential dwellings. The requested variances do not conflict with the general intent and purpose of the residential policies of the Official Plan.

The property is listed as a non-designated built heritage resource on the City of Guelph's Municipal Register of Cultural Heritage Properties. Objectives of Section 4.8 of the Official Plan strive to:

- Maintain and celebrate the heritage character of the city, including built heritage resources.
- Ensure that all new development, site alteration, building alteration and additions are contextually appropriate and maintain the integrity of all in situ cultural heritage resources.
- To promote and foster the preservation, rehabilitation and adaptive re-use or restoration of built heritage resources.

In consultation with the Senior Heritage Planner, the applicant has proposed changes to the original elevations presented to the Committee in December 2020. The elevation changes are more in keeping with the listed property's heritage characteristics, including sizing the windows appropriately, maintaining segmental arch window sashes on the front façade and closely replicating the roof style and pitch which currently exists on the one-storey dwelling.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended, which permits a single detached dwelling. The applicant is proposing an addition to the existing one storey dwelling including an open, roofed front porch, a second storey, an attached carport and a covered deck in the rear yard. Four variances are requested to facilitate the development which include a reduction of the right and left side yard setbacks, a front yard setback variance to accommodate an open, roofed front porch and a reduction to the required width of an enclosed parking space.

The applicant's proposed construction of a two storey addition will have a side yard setback on the left side of the property of 0.77 metres and a right side yard setback of 0.60 metres, whereas Table 5.1.2, Row 7 of the By-law requires side yard setbacks of 1.5 metres for the two storey dwelling. The general intent and purpose of the Zoning By-Law in requiring side yard setbacks is to provide adequate separation from buildings on adjacent properties in proportion to the building's height, to maintain access and to allow for proper lot grading and drainage.

The left side of the property has an existing 0.77 metre setback of the one-storey dwelling. The dwelling currently does not have a garage or carport and the right side yard driveway is used as the legal parking space for the property. The proposed carport satisfies the legal parking space location requirement for the dwelling. There are no concerns relating to the function of the carport interior parking space size with a reduction in width from the required of 3 metres to a permit 2.9 metre width.

The applicant is also proposing to construct an open, roofed front porch onto the dwelling which will have a setback of 0.4 metres from the front yard property line;

whereas, Table 4.7, Row 3 of the By-law requires a 2 metre setback from the front property line for an open, roofed front porch.

The general intent and purpose of the Zoning By-law in requiring a 2 metre setback for open, roofed porches is to provide built form consistency on a streetscape. The proposed porch is in keeping with the character and varied setbacks of the streetscape within the older built-up neighbourhood.

The proposed dwelling addition is in suitable proportion and placing on the property within the older built-up area of the city and is in keeping with the character of the streetscape. The requested variances maintain the general intent and purpose of the Official Plan and Zoning By-law, are considered desirable for the development of the land and are considered to be minor in nature.

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

Engineering Services

Engineering has no concerns with the consent application, and with the requested variances, subject to the condition noted above for minor variance file A-54/20.

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

Building Services

B-7/21: Consent Application

This property is located in the Residential Single Detached (R.1B) Zone. The applicant proposes to create a 69 square metre easement with a width of 3.2 metres for the existing sanitary sewer lateral over a portion of the right side of 63 Durham Street in favour of 48 Glasgow Street North.

Building Services does not object to this application. Building Services supports the conditions recommended by Planning Services.

A-54/20: Minor Variance

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to construct a second storey addition onto the existing one storey detached dwelling, as well as construct a carport to the right side and a covered deck to the rear of the existing dwelling. A roofed porch is also proposed at the front of the dwelling.

Variances from Table 5.1.2 Row 7, Table 4.7 Row 3, and Section 4.13.3.2.2 of Zoning By-law (1995)-14864, as amended, are being requested.

Building Services does not object to this application to permit:

- a) a minimum left side yard setback of 0.77 metres for the proposed second storey addition and the proposed rear covered deck;
- b) a minimum right side yard setback of 0.6 metres for the proposed second storey addition and proposed carport;

- c) the proposed open, roofed porch to have a minimum setback of 0.4 metres from the front lot line; and
- d) the interior parking space within the proposed carport to have a minimum width of 2.9 metres.

Building Services supports the conditions recommended by Planning Services.

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

Alectra Utilities

Alectra Utilities has reviewed this application scheduled for the March 11, 2021 hearing and wishes to submit the condition noted above for the Committee's consideration.

Comments from the Public

Yes (See Attached)

Contact Information

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

519-822-1260 Extension 2524

cofa@guelph.ca

TTY: 519-826-9771

guelph.ca/cofa