

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-2/20
Location: 20 Edwin Street
Hearing Date: January 9, 2020
Owner: Susanne and Robert Desantels
Agent: N/A
Official Plan Designation: Low Density Residential
Zoning: Residential Single Detached (R.1B) Zone

Request: The applicant is seeking relief from the By-Law requirements to permit a minimum rear yard setback of 1.55 metres for the existing addition to the rear of the existing dwelling.

By-Law Requirements: The By-law requires a minimum rear yard setback of 7.5 metres or 20 percent of the lot depth (being 4.83 metres), whichever is less.

Staff Recommendation

Approval

Recommended Conditions

None

Comments

Planning Services

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 variance to permit an existing 1.5 metre rear yard setback for the dwelling, does not conflict with the general intent and purpose of the Official Plan.

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 general intent and purpose of the Zoning By-Law in requiring a rear yard setback 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 dwelling has an existing rear yard setback of 1.55 metres. Minor Variance file A-85/04, approved with conditions dated June 16, 2004, granted a rear yard setback of 1.55 metres for an addition to the dwelling with conditions. Condition 4 of Minor Variance file A-85/04 (see attached) indicated that the gas fireplace exhaust was to be directed through the roof of the addition. When the addition was constructed it was discovered that the pipe from the gas fireplace that was to go through the roof would block the view of a stain glass window so instead the gas fireplace was vented out the side of the dwelling, resulting in Condition 4 of Minor Variance file A-85/04 not being met.

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.

Engineering Services

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a minimum rear yard setback of 1.55 metres for the existing addition to the rear of the existing dwelling.

We agree with recommendations made by Planning and Building staff.

Building Services

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to maintain a 15.98 square metre existing addition to the rear of the existing dwelling. A variance from Table 5.1.2 Row 8 of the Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this application to permit a minimum rear yard setback of 1.55 metres for the existing addition to the rear of the existing dwelling.

Comments from the Public

None

Contact Information

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City of Guelph

Planning and Building Services

Working Together to Build Our Community



**COMMITTEE OF ADJUSTMENT
APPLICATION NUMBER A-85/04**

Decision

The Committee, having considered whether or not the variance(s) are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, passed the following resolution:

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2. – Row 8 of Zoning By-law (1995)-14864, as amended, for 20 Edwin Street, to construct a 52.43 square metres (172 square foot) one storey addition to the rear of the existing home which will be situate 1.55 metres (5.08 feet) from the rear lot line when the By-law requires the minimum rear yard be 7.5 metres or 20% of the lot depth [4.83 metres (15.84 feet)], whichever is less, be approved, subject to the following conditions:

1. That the addition has a maximum height of 1 storey.
2. That the variance for the rear yard applies only to the proposed addition as outlined in the application to the Committee of Adjustment.
3. That the owner maintain a 6' high fence along the rear lot line.
4. That the gas fireplace exhaust be directed through the roof of the addition.
5. That the windows along the rear wall of the addition be obscured glass.”

Members of Committee
Concurring in this Decision

The last day on which a Notice of Appeal to the Ontario Municipal Board may be filed is **August 3, 2004**.

I, Kim Fairfull, Secretary-Treasurer, hereby certify this to be a true copy of the decision of the Guelph Committee of Adjustment and this decision was concurred by a majority of the members who heard this application at a meeting held on **July 13, 2004**.

Dated: **June 16, 2004**

Signed:

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