

June 23, 2021

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

Dear Committee of Adjustment:

**Re: 54 Milson Crescent, Guelph, ON  
Minor Variance Application for Proposed Shed**

My name is Adam Miller, and I am the owner of 54 Milson Crescent. I am submitting this letter in support of a Minor Variance Application seeking relief from the Zoning By-law requirements to permit the following:

**Request:**

- A proposed accessory building (shed) to be located within the exterior side yard.

**By-Law Requirements:**

- That an accessory building or structure may occupy a yard other than a front yard or required exterior side yard.

As background, I understand the by-law permits an accessory building or structure within a yard but not within the front yard or the required exterior side yard on the lot.

In accordance with the requirements of the *Planning Act*, in the consideration of an application for Minor Variance, there are “four tests” which are required to be satisfied. The tests are as follows:

1. Conformity with the Official Plan.
2. Conformity with the General Intent of the Zoning By-law.
3. Appropriateness of the variance for the desirable development of the lot; and,
4. Justification that the proposed variance is minor in nature.

**Is the variance in keeping with the intent of the Official Plan?**

The subject property is designated “Low Density Residential” in the City’s Official Plan, which are uses that are predominately low-density in character and typically include detached, semi-detached, and duplex dwellings; and multiple unit residential buildings such as townhouses and apartments. The land use designation, which permits a range of housing types including the existing single detached residential dwelling at 54 Milson Crescent, include accessory buildings and pools. It is my opinion that the requested variances meet the intent and purpose of the Official Plan.

**Is the variance in keeping with the intent of the Zoning By-law?**

The subject property is zoned “Residential Single Detached” (R.1D) according to Zoning By-law (1995)-14864, as amended. The variance requested is to permit a 3.05 m (10 ft) by 3.60 m (12 ft) accessory structure (shed) within the exterior side yard, whereas Section 4.5.1 of the by-law notes that an accessory building may occupy a yard other than a front yard or required exterior side yard on a lot.

I understand the general intent of the by-law requirement noted above is to provide a consistent streetscape, open space and to ensure the building does not encroach into the sight line triangle. The proposed accessory structure will be behind an existing fence that stands approximately 1.83 m (6 ft.) and does not encroach into the sight line triangle. Based on Section 4.6: Sight Line Triangles of the City's Zoning By-law, the sight line triangle is formed by joining the point of intersection to each street line (i.e., Milson Crescent and Marigold Drive) measured 9 m from that point of intersection. Further, additional landscaping could be incorporated into the design to provide further visual streetscape improvements, if necessary. As such, it is my opinion that the requested variances meet the general intent and purpose of the Zoning By-law.

### **Will the Variance Provide for the Desirable Development of the Land?**

The lands are designated "Low Rise Residential" and zoned "Residential Single Detached" (R1.D). The requested variance is for a proposed accessory structure (shed), which is proposed to be located behind the existing fence. It is my opinion that the streetscape is not negatively impacted by any of the proposed variances. Adverse impacts on adjacent properties are not anticipated since required side/rear yard setbacks (0.6 m) are incorporated into the plan. Further, all adjacent property owners have been consulted and support provided by each neighbour. As such, it is my opinion that the requested variance is considered desirable for the appropriate development of the land.

### **Is the variance minor?**

Based on my review of the three (3) previous tests of a minor variance, and a review of the character of development in this area, which includes other similar projects that have obtained City approval related to development in the exterior side yard (City File #A-62-19 and #A-8/20), it is my opinion that a variance to permit an accessory structure within the exterior side yard at 54 Milson Crescent is minor.

The minor variance request has been reviewed based on the four tests of a minor variance as outlined in Section 45(1) of the *Planning Act* and it has been demonstrated in this letter that the four tests of a minor variance have been satisfied and the approval of the requested variance would represent good land use planning.

I thank both the members of the Committee of Adjustment and staff for their review and consideration of my proposal. Should you have any further questions or comments, please do not hesitate to contact the undersigned.

Yours truly,



Adam Miller, BES, MCIP, RPP