

# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: A-52/21  
Location: 143 London Road West  
Hearing Date: December 9, 2021  
Owner: Keiran Graf and Peter Barkman  
Agent: Bobby Randhawa  
Official Plan Designation: Low Density Residential  
Zoning Designation: Residential Single Detached (R.1B) Zone

## By-Law Requirements:

The By-law requires a minimum side yard setback of 1.5 metres for single-detached dwellings between one to two storeys located in the R.1B Zone.

## Request:

The applicant is seeking relief from the By-Law requirements to permit a minimum 0.9 metre right side yard setback for the proposed second-storey building addition.

**It is noted that the gross floor area of the proposed addition is 32.9 square metres, including exterior walls.**

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## Staff Recommendation

### Approval with Condition

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## Recommended Condition

### Planning Services

1. That the right side yard setback of 0.90 metres applies only to the proposed two-storey building addition in general accordance with the public notice sketch.
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## 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 built-up residential areas of the City which are intended to support a range of low-density

housing types. Included among these "Low Density Residential" housing types are single detached residential dwellings. The requested minor variance would not conflict with the general intent and purpose of the Official Plan as the second storey addition maintains the existing low density single-detached residential use on the subject property.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended, which permits, among other uses, single detached dwellings. The applicant's proposed construction of a second-storey addition above the existing first floor of the dwelling (within the rear yard) will have a right-side yard setback of 0.90 metres. A variance is requested as Table 5.1.2, Row 7 of the Zoning By-law requires a minimum side yard setback of 1.5 metres in the R.1B zone.

The proposed second-storey addition is proposed above an existing rear yard addition which was approved by the Committee of Adjustment on May 12, 2016; known as file A-30/16. Staff recommended approval to permit the rear yard single-storey addition with a right side yard setback of 1.02 metres. The Committee granted the approval subject to the following condition:

"That the variance applies to only the right side yard setback in general accordance with the sketch provided in the Public Notice."

Due to the sketch showing only a single-storey in the original Public Notice, a new variance has been requested as the applicant wishes to add a second storey to the original single-storey addition. Staff would note that it appears through the construction process that the original first storey was built 0.12 metres closer to the right property line than permitted. This is based on the current survey/concept plan showing an existing right side yard setback of 0.90 metres, whereas the original approved decision from May 12, 2016 permitted a setback of 1.02 metres. From a review and recommendation standpoint, this discrepancy is noted but does not impact Planning staff support of the subject proposal. The existing first storey and proposed second-storey addition will share a 0.90 metres setback which is nearly identical to the existing 0.94 metres setback of the primary dwelling (built around 1917 and is currently considered to be legal non-complying).

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 height, to maintain access to the side and rear yards, and to allow for lot grading and drainage. The proposed second-storey addition is compatible with the surrounding built-form will maintain existing roof heights and setbacks resulting in minimal impacts towards the character of the neighbourhood. The proposed addition is an extension of the existing side yard setback of the dwelling on the property. The 0.90 metres setback is desirable as it will create a uniform setback for the entire dwelling. Planning staff conducted a site visit and found that the addition is minor and will have minimal adverse impact on neighbouring properties and sightlines from the street. Further, there are no windows proposed along the north-east side of the addition (right) which could impact privacy of the neighbouring lots to the right.

The requested variance for a reduced side yard setback meets the general intent and purpose of the Official Plan and Zoning By-law, is desirable for the appropriate development of the land, and is minor in nature.

### **Engineering Services**

Engineering has no concerns with the request of seeking relief from the By-Law requirements to permit a minimum 0.9 metre right side yard setback for the proposed second-storey building addition.

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

### **Building Services**

The applicant is proposing to construct a second-storey addition in line with the existing addition that received variance approval for a reduced setback in the side yard. Building notes that no windows are proposed in this reduced side yard that would impact the neighbouring property.

Building Services does not object to this application. A building permit is required for the renovation.

### **Comments from the Public**

None

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### **Contact Information**

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

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