

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-8/20
Location: 7 Marigold Drive
Hearing Date: February 13, 2020
Owner: Michael Maguire and Elizabeth Maguire
Agent: Nancy Shoemaker, Black Shoemaker Robinson and Donaldson Limited
Official Plan Designation: Low Density Residential
Zoning: Residential Single Detached (R.1C) Zone

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

- a) the existing one storey addition to the existing dwelling with a minimum exterior side yard setback of 2.25 metres;
- b) the existing accessory building (shed) to be located 0.19 metres from the rear lot line;
- c) the existing accessory building to be located in the exterior side yard with a minimum exterior side yard setback of 2.29 metres; and
- d) the existing uncovered porch (pool deck) to have a rear yard setback and side yard setback of 0 metres.

By-Law Requirements: The By-Law requires:

- a) a minimum exterior side yard setback of 4.5 metres;
- b) that an accessory building or structure is not located within 0.6 metres of any lot line;
- c) that an accessory building or structure may occupy a yard other than a front yard or required exterior side yard; and
- d) a minimum rear yard setback and side yard setback of 0.6 metres for an uncovered porch not more than 1.2 metres above finished grade.

Staff Recommendation

Approval with Condition

Recommended Condition

Planning Services

1. That the variances only apply to the existing one storey residential addition, pool deck and accessory buildings as shown on the Public Notice sketch.
-

Comments

Planning Services

The subject property is designated "Low Density Residential" in the City's Official Plan. The "Low Density Residential" land use designation permits a range of housing types including single detached residential dwellings that include accessory buildings and pools. The requested variances meet the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1C) according to the Zoning By-law (1995)-14864, as amended. The applicant is proposing to maintain the existing one storey residential addition, pool deck and accessory buildings. The existing driveway with a width of 6.8 metres is considered to be legal non-complying. Four variances are required to facilitate this request.

The first variance requested is to permit an existing one storey addition to the existing dwelling with a minimum exterior side yard setback of 2.25 metres, whereas Table 5.1.2, Row 6a requires a minimum exterior side yard setback of 4.5 metres. The general intent of requiring an exterior side yard setback is to provide a consistent streetscape, open space and to ensure the building does not encroach into the sight line triangle. The one storey addition is behind the fence and does not encroach into the sight line triangle. The requested variance is considered to meet the general intent and purpose of the Zoning By-law.

The second variance requested is to permit an existing accessory building (shed) to be located 0.19 metres from the rear lot line, whereas Section 4.5.1.2 requires that an accessory building or structure is not located within 0.6 metres of any lot line. The intent of the By-law in requiring setbacks for accessory buildings is to ensure there is adequate room for maintenance, access, and to ensure that adjacent properties are not impacted by drainage from the accessory building. The existing shed is small in size at only 1.6 square metres and only 2.2 metres in height, and is not expected to negatively impact the adjacent property. Staff are recommending a condition that the variance applies only to the existing accessory building, so the owner will not be able to expand the accessory building in the future.

The third variance requested is to permit an existing accessory building to be located in the exterior side yard with a minimum exterior side yard setback of 2.29 metres, whereas Section 4.5.1 permits accessory buildings in a yard other than a required front or exterior side yard. The general intent of requiring an exterior side yard setback is to provide a consistent streetscape, open space and to ensure the building does not encroach into the sight line triangle. The existing accessory building is behind the fence and does not encroach into the sight line triangle. The

requested variance is considered to meet the general intent and purpose of the Zoning By-law.

The fourth variance requested is permit an existing uncovered porch (pool deck) to have a rear and side yard setback of 0 metres, whereas Table 4.7, Row 1 requires a minimum setback of 0.6 metres for an uncovered porch not more than 1.2 metres above finished grade. The general intent and purpose of the Zoning By-law in requiring a minimum setback for uncovered porches (including decks) from lot lines is to ensure privacy to adjacent properties, to provide sufficient access to rear yards, to allow for maintenance, and to allow for proper drainage as per the grading of the lot. The existing pool deck is low profile, low to the ground, and surrounds the pool. Planning staff are satisfied that the pool deck will not impact the privacy of neighbours, and will not negatively impact adjacent properties. The requested variance is considered to meet the general intent and purpose of the Zoning By-law.

The requested variances are for the existing one storey addition, accessory buildings (sheds) and pool deck, which are all located behind the existing fence. The streetscape is not negatively impacted by any of the variances and adverse impacts on adjacent properties are not anticipated. The requested variances are considered both desirable for the appropriate development of the land and minor in nature.

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

Engineering Services

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit the existing one storey addition to the existing dwelling with a minimum exterior side yard setback of 2.25 metres; the existing accessory building (shed) to be located 0.19 metres from the rear lot line; the existing accessory building to be located in the exterior side yard with a minimum exterior side yard setback of 2.29 metres; and the existing uncovered porch (pool deck) to have a rear yard setback and side yard setback of 0 metres.

We agree with recommendations made by Planning and Building staff.

Building Services

The subject property is zoned Residential Single Detached (R.1C).

The applicant is proposing to maintain the existing one storey residential addition, pool deck and accessory buildings. The applicant is seeking the approval of four variances:

- a) to permit an existing one storey addition to the existing dwelling with a minimum exterior side yard setback of 2.25 metres, in lieu of the required minimum exterior side yard setback of 4.5 metres. Building notes that the addition is located behind a fence and does not obstruct a sight line.
- b) to permit an existing accessory building (shed) to be located 0.19 metres from the rear lot line; whereas Section 4.5.1.2 requires that an accessory building or

structure is not located within 0.6 metres of any lot line. There is a general concern with maintenance of the rear of the shed, however, the property is fenced and there would be no trespass issues. Engineering has confirmed that the storm water is not a concern.

- c) To permit an existing accessory building to be located in the exterior side yard with a minimum exterior side yard setback of 2.29 metres, whereas Section 4.5.1 permits accessory buildings in a yard other than a required front or exterior side yard. The shed is behind the fence and does not affect the streetscape.
- d) To permit an existing uncovered porch (pool deck) to have a rear and side yard setback of 0 metres in lieu of the required 0.6 metres for an uncovered porch not more than 1.2 metres above finished grade. The existing pool deck is low profile, low to the ground, and surrounds the pool.

Building Services has reviewed the comments provided by Planning and Engineering and are supportive of the proposed recommendations and condition.

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

Facsimile: 519-763-1269

Juan DaSilva

From: Stephanie Scapinello
Sent: Friday, February 7, 2020 10:18 AM
To: Committee of Adjustment
Subject: Committee of Adjustment - 7 Marigold Drive

Follow Up Flag: Follow up
Flag Status: Completed

Good morning Trista Di Lullo,

It has come to our attention that the City of Guelph has taken displeasure to the physical structures located at the dwelling of 7 Marigold Drive, owned by Michael & Elise Maguire.

Since Michael & Elise have moved to our neighbourhood, we have felt a wonderful sense of community. They have been more than welcoming to all families within the area to enjoy their property, including use of their pool and hot tub which would only be maintained with the use of their shed for storage and the sense of security thanks to the fence which encloses the property.

We find it extremely disheartening that the city has taken offence to this generous family who purchased a home without knowing any of these conditions. Now you are asking them to dismantle the property we have all come to love and enjoy and take so much joy away from their family and many others in the vicinity.

We strongly urge you to reconsider this decision and move on to a property that truly needs your attention.

If further comment is required, please contact us at any time.

Lucas & Stephanie Scapinello
85 Milson Cres, Guelph

Juan DaSilva

From: Michelle Kearley
Sent: Wednesday, February 5, 2020 5:02 PM Committee
To: of Adjustment
Subject: Comments for A-8/20 7 Marigold Drive

Follow Up Flag: Follow up
Flag Status: Completed

February 5 2020

To :Secretary -Treasurer of the Committee of Adjustment

I , Michelle Kearley, live at 8 Marigold Drive, Guelph.

Regarding the Application Number A-8/20 at 7 Marigold Drive, Guelph.

I have no concerns with the well maintained property on my street.

I fully support the application for variance at 7 Marigold Drive, Guelph

Michelle Kearley

Juan DaSilva

From: Shannon Powell
Sent: Wednesday, February 5, 2020 6:43 PM
To: Committee of Adjustment
Subject: Comments re: Application Number A-8 / 20 (7 Marigold Drive, Guelph)

Follow Up Flag: Follow up
Flag Status: Completed

To: Secretary Treasurer of the Committee of Adjustment

My name is Shannon Powell and I live at 96 Milson Cres in Guelph Ontario.

Regarding the Application Number A-8/20 at 7 Marigold Drive Guelph- I have no concerns with the very well maintained property two doors down from my home.

I fully support the application for variance.

If you require to speak with me in person, I can be reached at [phone number]

Thank you,

Shannon Powell

--

[Shannon](#)

Juan DaSilva

From: Katie Wadleigh
Sent: Wednesday, February 5, 2020 8:00 PM
To: Committee of Adjustment
Subject: Comments for Public Hearing: Application A-8/20

Follow Up Flag: Follow up
Flag Status: Completed

Dear Secretary-Treasurer of the Committee of Adjustment,

I, Katelyn Wadleigh, live at 101 Milson Crescent, Guelph.

I am writing in regards to Application A-8/20 which has a hearing scheduled for Thursday, February 13, 2020.

I fully support the application for variance at 7 Marigold Drive, Guelph, as it is a very well-maintained property in my neighbourhood.

Thank you,
Katelyn Wadleigh

Juan DaSilva

From: michelle wong
Sent: Wednesday, February 5, 2020 9:05 PM
To: Committee of Adjustment
Subject: Re: Application A-8/20

Follow Up Flag: Follow up
Flag Status: Completed

To Whom it May Concern,

My name is Michelle Manuel and my husband Jason and I are the owners of the house located at 6 Marigold Drive. We are writing the committee to inform you of our support for the variance on the property of 7 Marigold Drive as cited in Application A-8/20.

Please feel free to contact us if necessary.

Michelle Manuel

January 5, 2020

Sent from my iPhone

Juan DaSilva

From: Claire Beauregard
Sent: Thursday, February 6, 2020 9:26 AM
To: Committee of Adjustment
Subject: Application A-8/20

Follow Up Flag: Follow up
Flag Status: Completed

Dear Ms. Di Lullo,

My name is Claire Beauregard and my address is 5 Marigold Drive in Guelph, ON. In regards to application A-8/20 at 7 Marigold Drive, myself and all residents at my address would like to officially state that we support the application for minor variances.

We wish that we could attend the hearing next week in person to support our next door neighbours but unfortunately we will not be able to. We have never had any issues with these great neighbours and their property has looked immaculate ever since they moved in. Not only do they take better care of their home than most people, they take care of their neighbours as well and my family feels lucky to have them next door to us.

Please do not hesitate to contact me if you have any questions at this email or [phone number]. I sincerely hope that this matter can be resolved without the residents at 5 Marigold Drive having to make changes to their beautiful property.

Sincerely,
Claire Beauregard

February 6, 2020

Attention: Trista Di Lullo, Secretary Treasurer of the Committee of Adjustment

RE: Application Number A-8/20 at 7 Marigold Drive, Guelph

I, Nancy Lal, of 67 Milson Crescent, Guelph, fully support my neighbours application for relief of the outlined bylaws as per application number A-8/20 at 7 Marigold Drive, Guelph. My neighbours have established a well-maintained property of which I have no concerns.

Sincerely,

Nancy Lal