

# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: A-7/23  
Location: 444 Speedvale Avenue East  
Hearing Date: February 9, 2023  
Owner: Andrew Donlan  
Agent: N/A  
Official Plan Designation: Low Density Residential  
Zoning Designation: Residential Single Detached (R.1B) Zone

**By-Law Requirements:** The By-Law requires that an additional residential dwelling unit in a separate building on a lot to have a minimum side yard and rear yard setback of 1.5 metres.

**Request:** The applicant is seeking relief from the By-Law requirements to permit a minimum right side yard setback of 0.6 metres for the proposed additional residential dwelling unit within a separate building on the lot.

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## Staff Recommendation

### Refusal

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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 residential areas within the built-up area of the city and permits a range of housing types including single detached dwellings and additional residential dwelling units (ARDUs). As the uses are permitted staff are satisfied that the proposal conforms with the intent of the Official Plan.

The subject property is zoned "Residential Single Detached 1.B" (R.1B) according to Zoning By-law (1995)-14864, as amended. The R.1B zone permits detached dwellings and detached ARDUs. Section 4.15.1.7.8 of the Zoning By-law requires detached ARDUs to have a minimum side yard setback consistent with the side yard setback for the primary dwelling in the applicable zone. The subject property is zoned R.1B and therefore a minimum side yard setback of 1.5 metres is required. When Council approved the required zoning regulations for detached ARDUs in

December 2020 they noted that a side yard setback of 0.6 metres similar to that of detached garages would contribute to a lack of privacy and would make maintenance on the ARDU more difficult. As a result, zoning regulations were passed to ensure that setback requirements for habitable buildings are the same whether they are ARDUs or main dwelling units. In the opinion of staff the proposed side yard setback of 0.6 metres would contribute to a lack of privacy for both the resident of the ARDU and the neighbouring property, and would not conform with the general intent and purpose of the Zoning By-law as described above.

The proposed side yard setback of 0.6 metres for an ARDU would not provide sufficient privacy for the resident of the ARDU or the neighbouring property. For these reasons staff are of the opinion that the proposed setback is not desirable for the appropriate development of the lands.

The proposed setback of 0.6m represents a 60% reduction in the minimum required side yard setback. Considering there is sufficient space on the property to relocate the structure and comply with the required 1.5m setback staff are of the opinion that the proposed setback is not minor in nature.

In the opinion of planning staff, the requested variance does meet the general intent and purpose of the Official Plan, but does not meet the general intent and purpose of the Zoning By-law, is not desirable for the appropriate development of the lands and is not minor in nature.

Staff recommend refusal of the application.

### **Engineering Services**

Engineering has no concerns with the applicant's request for seeking relief from the By-Law requirements to permit a minimum right-side yard setback of 0.6 metres for the proposed additional residential dwelling unit within a separate building on the lot. Please note that all existing drainage patterns shall be maintained during the construction of the proposed addition.

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

### **Building Services**

The subject property is in the Residential Single Detached (R.1B) Zone which permits a single detached dwelling and an additional residential dwelling unit (ARDU) within a separate building on the same lot. The applicant is proposing to convert the existing detached garage/accessory building to an ARDU in a separate building. Accessory buildings require a minimum setback of 0.6 metres to the side and rear lot lines. The required side yard setback for an ARDU in a separate building is 1.5 metres. The lot can accommodate an ARDU in a separate building in the rear yard which meets zoning requirements.

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

Building Services supports Planning and Engineering recommendations.

## Comments from the Public

Yes (See Attached)

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### Contact Information

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

519-822-1260 Extension 2524

[cofa@guelph.ca](mailto:cofa@guelph.ca)

TTY: 519-826-9771

[guelph.ca/cofa](http://guelph.ca/cofa)