

# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: A-12/23  
Location: 21 Dublin Street South  
Hearing Date: March 9, 2023  
Owner: 966129 Ontario Inc.  
Agent: N/A  
Official Plan Designation: Low Density Residential  
Zoning Designation: Residential Single Detached (R.1B) Zone

### **By-Law Requirements:** The By-Law:

- a) requires that the minimum front yard setback for a dwelling located in Defined Area Map Number 66 of the By-law shall be 6 metres or the average of the setbacks of the adjacent properties [being 1.5 metres];
- b) requires that the minimum exterior side yard setback for a dwelling located in Defined Area Map Number 66 of the By-law shall be 6 metres or the average of the setbacks of the adjacent properties [being 0.52 metres];
- c) requires that the minimum rear yard setback be 7.5 metres or 20% of the lot depth [being 2.76 metres], whichever is less, for a dwelling located in the R.1B Zone;
- d) requires a minimum of 0.5 metres between the driveway and nearest lot line, and that this space be maintained as landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation, and indigenous species;
- e) does not permit a building or structure to be located within the sight line triangle on a corner lot;
- f) requires that an open, roofed porch not exceeding 1 storey in height have a minimum setback of 2 metres from the front lot line; and
- g) permits exterior stairs associated with an open, roofed porch to project to the minimum setback from the lot line [being 2 metres].

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

- a) a minimum front yard setback of 1.2 metres for the proposed detached dwelling;
- b) a minimum exterior side yard setback of 0.3 metres for the proposed detached dwelling;
- c) a minimum rear yard setback of 2.45 metres for the proposed detached dwelling;
- d) a minimum of 0 metres between the driveway and right side lot line;

- e) a portion of the proposed detached dwelling, roofed front porch and exterior stairs to be located within the sight line triangle;
  - f) the proposed open, roofed porch to be located a minimum of 0 metres from the front lot line; and
  - g) the exterior stairs associated with the proposed open, roofed front porch be located a minimum of 0 metres from the front lot line.
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## **Staff Recommendation**

### **Deferral**

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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. As the proposed use is permitted staff are satisfied that the proposal conforms 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. The R.1B zone permits detached dwellings. A comparison of the requested variances to the existing dwelling on site is shown in the table below:

	Existing	Proposed
a) Front Yard Setback	1.2 metres	1.2 metres
b) Exterior Side Yard Setback	0.6 metres	0.3 metres
c) Rear Yard Setback	3.6 metres	2.45 metres
d) Driveway Setback to Lot Line	0 metres	0 metres
e) Sightline Triangle Encroachment	Partial encroachment	Partial encroachment
f) Roofed Porch Setback	None	0 metres
g) Roofed Porch Stairs Setback	None	0 metres

The front yard setback of the proposed dwelling maintains the same setback as the existing structure, and the proposed setback to the lot line fronting onto Essex Street is proposed to be reduced from 0.6 metres to 0.3 metres. As there is a considerable setback of at least 4 metres between the edge of the sidewalk and the lot line staff have no concerns with the proposed front and side yard setbacks.

The rear yard setback reduction to 2.45 metres would have little impact on the neighbouring properties and would be similar to the setbacks of some of the neighbouring properties, including 59/61 Essex Street to the rear.

The driveway setback of 0m to the lot line with 19 Dublin Street South is existing and would remain unchanged.

The sightline triangle encroachment remains similar to that of the existing dwelling. Due to the considerable distance between the lot lines and the sidewalk on both the Dublin Street and Essex Street frontages, staff have no concerns with the proposed sightline triangle encroachment.

The proposed open roofed porch and stairs on the front of the building would both have a setback of 0 metres. Due to the significant distance between the front lot line and both the sidewalk and road, staff are satisfied that the proposed porch and stairs would not have any negative impact on safety or privacy.

Considering the proposed development maintains a similar footprint and orientation to the existing dwelling and would not negatively impact neighbouring properties staff are satisfied that the proposal is minor in nature and is desirable for the development of the lands.

The requested variances meet the general intent and purpose of the Official Plan and Zoning By-law, are desirable for the appropriate development of the land and are minor in nature. Planning staff have reviewed Engineering's comments and can support their deferral recommendation.

## **Engineering Services**

Engineering has reviewed the applicants' request for the above-noted variances. During the review of this application staff discovered conflicting records. There appears to be a potential conflict with the existing sanitary service for 19 Dublin Street South and 21 Dublin Street South. City records show that the existing lateral appears to be encroaching onto 21 Dublin Street South. At this time, the extent of the encroachment is unknown. As such, the applicant will be required to confirm the location of the existing sanitary lateral.

Engineering recommends that this application be **deferred** until the applicant provides the exact location of the existing lateral to the City.

## **Building Services**

The subject property is in the Residential Single Detached (R.1B) Zone which permits a single detached dwelling. The applicant is proposing to demolish the existing detached dwelling and construct a new dwelling on a similar footprint. The difference is mainly an extension of the rear of the proposed dwelling which will be 1.5 metres deeper than existing. Seven variances are required to accommodate the proposed dwelling.

Building Services notes for the applicant that new, unprotected openings are not permitted on the dwelling closer than 1.2 metres to the property line. A demolition permit is required prior to the demolition of the existing dwelling. A building permit

is required prior to the construction of the new dwelling, 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

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