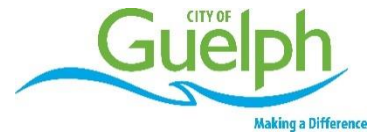


Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-17/23
Location: 77 Foster Avenue
Hearing Date: April 13, 2023
Owner: Nick Walters
Agent: Bobby Randhawa
Official Plan Designation: Low Density Residential
Zoning Designation: Residential Single Detached (R.1B) Zone

By-Law Requirements: The By-Law requires that a minimum side yard setback of 1.5 metres for a dwelling over two-storeys located within Defined Area Map Number 66 of the By-Law.

Request: The applicant is seeking relief from the By-Law requirements to permit a minimum left side yard setback of 0.56 metres for the existing dwelling and the proposed third-storey addition.

Staff Recommendation

Approval

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. The maximum height for development in the Low Density Residential designation is three storeys. As the use is permitted and the proposed height does not exceed three storeys staff are satisfied that the requested variance 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 requires a side yard setback of 1.5 metres. As the subject property is located in Map Number 66 of the Zoning By-law, the 1.5 metres setback would also apply to the third storey addition and as such a variance is required to Table 5.1.2, Row 7 and 5.1.2.8 of the Zoning By-law.

The proposal would expand upon the existing loft above the second storey of the dwelling and would maintain the legal non-complying setback of 0.56 metres. New dormers would be installed on the left and rear sides of the dwelling, and the existing dormer on the front side of the dwelling would be expanded. The overall height of the dwelling would not be increased and the proposed dormers would not impact the privacy of neighbouring properties significantly more than the existing second storey windows. As there would be no significant impacts and the proposed addition would maintain the existing side yard setback staff are satisfied that the requested variance would conform with the general intent and purpose of the Zoning By-law.

Considering 2 storey dwellings with lofts are common in the surrounding neighbourhood and the proposed loft addition would have a similar impact as the existing loft, staff are of the opinion that the proposal is minor in nature and is desirable for the development of the land.

In the opinion of planning staff, the requested variance 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.

Staff recommend approval of the application.

Engineering Services

Engineering has no concerns with the applicants' request for seeking relief from the By-Law requirements to permit a minimum left side yard setback of 0.56 metres for the existing dwelling and the proposed third-storey addition.

We support the recommendations made by Building and Planning staff.

Building Services

The subject property is in the Residential Single Detached (R.1B) Zone which permits a single detached dwelling. The property is also within Defined Area Map 66, which is a boundary of the older city lands which surround downtown and many structures were built prior to zoning by-laws being created and do not meet current requirements. The applicant is proposing a third storey addition to the dwelling within the limits of the exiting legal non-complying footprint of the dwelling, where the front left corner of the existing dwelling is within the required 1.5 metre side yard setback, with the closest point being 0.56 metres from the side yard.

The proposed addition of the third storey dormer does not appear to meet the extent of the requested 0.56m right side yard setback so Building Services is not requesting any access or maintenance agreement for new structures that are closer than 0.6 metres to the property line.

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 new window is shown which will be close to the 1.2 metre side yard setback so that is why this is being flagged). Existing openings may remain. Walls less than 1.2m to the property line require a 45 minute fire resistance rating and walls less than 0.6m to the property line shall also have noncombustible cladding. 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 has no concerns with the application and supports Planning and Engineering recommendations.

Comments from the Public

None

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