

# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: A-20/23  
Location: 423 Woolwich Street  
Hearing Date: April 13, 2023  
Owner: Kyle Carlous, Sutcliffe Homes  
Agent: Charlotte Balluch, GSP Group  
Official Plan Designation: Mixed Use/Commercial  
Zoning Designation: Specialized Office-Residential (OR-36) Zone

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

- a) requires that the minimum front yard setback be 3.0 metres;
- b) requires that the minimum exterior side yard setback be 3.0 metres; and
- c) requires that the maximum projection for exterior stairs into the exterior side yard is 1.5 metres, and the minimum setback for exterior stairs located in the front and exterior side yards be 0.8 metres; and
- d) does not permit a building or structure to be located within the sight line triangle on a corner lot.

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

- a) a minimum front yard setback of 0.4 metres for the existing building and the proposed third-storey addition;
- b) a minimum exterior side yard setback of 2.3 metres for the existing building and the proposed third-storey addition;
- c) a maximum exterior side yard projection of 2.4 metres and a minimum exterior side yard setback of 0.6 metres for the existing exterior stairs along Woolwich Street; and
- d) a portion of the existing building and proposed third-storey addition to be located within the sight line triangle for the subject property.

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## Staff Recommendation

### Approval

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## Comments

### Planning Services

The subject property is designated "Mixed Office/Commercial" in the Official Plan. The "Mixed Office/Commercial" land use designation allows for a variety of freestanding, small-scale commercial, office, residential or mixed-use buildings. This designation permits a maximum building height of four storeys and net density of 100 units per hectare. The requested variances would facilitate a third storey addition proposed for residential units to the existing building in conformity with the permitted uses in the Official Plan. The requested variances are considered to meet the general intent and purpose of the Official Plan.

The subject property is zoned "Specialized Office Residential" (OR-36) in the Zoning By-law (1995)-14864, as amended. The permitted uses under the OR-36 zone include accessory apartments, artisan studios, day care centres, duplex dwellings, dwelling units with permitted commercial uses in the same building, group homes, home occupations, medical offices, offices, personal service establishments, semi-detached dwellings, and single detached dwellings. The existing two storey building has legal non-complying setbacks. The applicant is proposing to construct a third storey addition to the existing building and requires four variances to facilitate the addition.

#### Variances A and B

The first variance requested is to permit a minimum front yard setback of 0.4 metres for the existing building and the proposed third storey addition and the second variance requested is to permit a minimum exterior side yard setback of 2.3 metres for the existing building and the proposed third storey addition, whereas Table 6.5.2, Row 4 of the Zoning By-law requires minimum front and exterior yard setbacks of 3 metres. The general intent and purpose of front and exterior side yard setbacks in the Zoning By-law is to ensure a consistent streetscape, and to ensure buildings don't impede the sight line. The existing building has legal non-complying setbacks that encroach into the required front and exterior side yards. The proposed third storey addition does not bring the building further into the required setbacks. The requested variances are considered to meet the general intent and purpose of the Zoning By-law.

#### Variance C

The third variance requested is to permit a maximum exterior side yard projection of 2.4 metres and a minimum exterior side yard setback of 0.6 metres for the existing exterior stairs along Woolwich Street, whereas Table 4.7, Row 12 of the Zoning By-law requires that the maximum projection for exterior stairs into the exterior side yard is 1.5 metres, and the minimum setback for exterior stairs located in the front and exterior side yards be 0.8 metres. As the stairs are existing staff do not have any concerns with the requested variance. The requested variance is considered to meet the general intent and purpose of the Zoning By-law.

## Variance D

The fourth variance requested is to permit a portion of the existing building and proposed third-storey addition to be located within the sight line triangle for the subject property, whereas Section 4.6.1(i) of the Zoning By-law does not permit a building or structure to be located within the sight line triangle of a corner lot. The general intent and purpose of not allowing buildings or structures within the sight line triangle is to ensure safety of vehicles and pedestrians. As the building is existing and the applicant is not proposing to move the building further into the sight line triangle, the requested variance is considered to meet the general intent and purpose of the Zoning By-law.

The requested variances will facilitate an addition to an existing building in the Built-up area of the City where infrastructure and amenities exist. The requested variances are not expected to have any negative impacts on the streetscape. The proposed addition maintains the existing footprint of the building on the subject property and will not encroach further into the required setbacks. The requested variances are considered to be desirable for the appropriate development of the land and minor in nature.

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.

Staff recommend approval of the application.

### **Engineering Services**

Engineering has reviewed this application through site plan SP23-02 and has no concerns with the requested variances.

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

### **Building Services**

The subject property is in the Specialized Office-Residential (OR-36) Zone which permits uses including a single detached, semi-detached and duplex dwelling, office dwelling units with permitted commercial uses in the same building in accordance with Section 4.15.2. The property is also with 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 subject existing office and residential building has legal non-complying setbacks and is within the sight line triangle. The applicant is proposing to add a third storey to the building which requires variances since legal non-complying regulations do not extend to new additions.

This development proposal is under review for Site Plan Approval where Building comments would be provided. A building permit is 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

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