

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-29/23
Location: 70 Lyon Avenue
Hearing Date: May 11, 2023
Owner: Kristi Pollard and Christopher Liguori
Agent: Kyle England and William Dewson, Dewson Architects Inc.
Official Plan Designation: Low Density Residential
Zoning Designation (1995)-14864: Residential Single Detached (R.1B) Zone
Zoning Designation (2023)-20790: Low Density Residential 1 (RL.1) Zone

Zoning By-Law (1995)-14864 Requirements: The By-Law requires:

- a) a minimum front yard setback of 6 metres for a single detached dwelling located in the R.1B Zone; and
- b) exterior stairs to project a maximum of 1.5 metres into the required front yard.

Zoning By-Law (2023)-20790 Requirements: The By-law requires:

- a) a minimum front yard setback of 6 metres; and
- b) exterior stairs to project a maximum of 1.5 metres into the required front yard.

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

- a) a minimum front yard setback of 4.76 metres for the proposed second storey addition to the existing dwelling; and
- b) the proposed stairs to have a maximum projection of 2.74 metres into the required front yard.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Planning Services

1. That the front yard setback variance and front yard projection variance shall be in general accordance with the Public Notice sketch.
 2. That prior to the issuance of a building permit or prior to undertaking activities which may injure or destroy regulated trees (whichever occurs first), the applicant shall prepare and submit a Tree Inventory and Preservation Plan as per the requirements of the City's Tree Technical Manual for approval to the General Manager of Planning and Building Services.
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Comments

Planning Services

The subject lands are designated as "Low Density Residential" in the 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 requested variances will facilitate the replacement of the second storey of the existing dwelling and the construction of new stairs to access the existing basement. Staff are satisfied that the requested variances conform with the general intent and purpose of the Official Plan.

The subject lands are zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended, and are zoned "Low Density Residential" (RL.1) in the Comprehensive Zoning Bylaw passed by Council on April 18, 2023.

The proposed second storey addition would replace an existing second storey on the dwelling. The addition would have a front yard setback of 4.76 metres that is closer to the lot line than the existing second storey, necessitating the front yard setback variance. The intent of the required 6 metre front yard setback is to provide adequate separation from the street. Staff note the orientation of the dwelling relative to the street line ensures that only a small corner of the proposed addition would be closer than the required 6 metres to the front lot line. Additionally, the first floor of the dwelling has an existing setback of 3.86 metres. Taking these points into consideration staff are satisfied that the proposed second storey addition would not significantly alter the dwelling's relation to the street and would conform with the general intent and purpose of both the 1995 Zoning By-law and the 2023 Comprehensive Zoning By-law.

The proposed stairs to access the walkout basement would project 2.74 metres into the 6 metre front yard setback whereas both the 1995 Zoning By-law and the Comprehensive Zoning By-law permit a maximum projection of 1.5 metres into the front yard setback. The intent of this provision is to provide adequate separation from the street. The proposed walkout basement stairs would be partially hidden by the existing porch and stairs that access the first floor of the dwelling that project approximately 3.5 metres into the front yard. The stairs would also be partially hidden by the existing trees and foliage located in the front yard of the property.

For these reasons staff are satisfied that the proposal conforms with the general intent and purpose of both the 1995 Zoning By-law and the 2023 Comprehensive Zoning By-law.

The proposed front yard setback for a second storey addition and front yard projection for stairs to access a walkout basement are less impactful than existing legal non-complying portions of the dwelling that have existed without issue for many years. Staff are satisfied that the proposal is minor in nature and is desirable for the development of the land.

The site is over 0.2 hectares in size and therefore regulated under the City's Private Tree By-law. In accordance with the City's Urban Forest Management Plan and City Urban Forest Policies within the Official Plan, the development should seek opportunities to retain existing trees. A Tree Inventory and Preservation Plan, undertaken by a qualified arborist, in accordance with the requirements of the City's Tree Technical Manual will be required. Please be aware that where preservation is not possible, as agreed to by the City, compensation is required either in the form of Cash in lieu or Replacement Trees, or a combination of the two at the discretion of City staff.

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 variances, subject to the above noted conditions.

Heritage Planning

70 Lyon Avenue is listed on the Municipal Register of Cultural Heritage Properties and is considered a built heritage resource. It is one of the finest examples of a mid-nineteenth-century stone Regency cottage in Guelph, and it is one of the first houses constructed in this part of the City. The owners have worked closely with heritage staff to ensure the proposed addition does not negatively impact the heritage value of the property. Heritage Staff have no concerns with the requested variances.

Engineering Services

Engineering has reviewed the requested variances to permit reduced front yard setback for proposed second storey addition to existing residential dwelling and increased exterior stairs projection into front yard. Engineering has no concerns with the requested variances.

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

Building Services

The subject property is in the Residential Single Detached (R.1B) Zone under Zoning Bylaw (1995) – 14864, as amended and is in the RL.1 Zone under Zoning By-law (2023)-20790, both which permit a single detached dwelling. The applicant is proposing a second storey addition to the dwelling which is proposed to have the

same front yard setback of the existing dwelling. New stairs which access the basement are proposed to encroach into the required front yard setback.

A building permit is required prior to the construction of the dwelling addition, 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

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