

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-28/23
Location: 107 Ontario Street
Hearing Date: May 11, 2023
Owner: Emily Stahl
Agent: N/A
Official Plan Designation: Low Density Residential
Zoning Designation (1995)-14864: Specialized Residential Single Detached (R.1B-10) Zone
Zoning Designation (2023)-20790: Low Density Residential 2 (RL.2) Zone

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

- a) a minimum side yard setback of 1.5 metres for properties located in the R.1B Zone;
- b) that an accessory building or structure is not located within 0.6 metres of any lot line; and
- c) that an uncovered porch not more than 1.2 metres above finished grade, and located in the rear yard, be setback a minimum of 0.6 metres from the lot line.

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

- a) a minimum interior side yard of 1.2 metres on one side of a dwelling unit and a minimum of 0.6 metres on the other side in the RL.2 Zone;
- b) an accessory building or structure to have a minimum setback of 0.6 metres from any lot line;
- c) that an uncovered porch not more than 1.2 metres above finished grade located in a rear or interior side yard have a minimum setback of 0.6 metres from a lot line.

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

- a) a minimum left side yard setback of 0.55 metres for the proposed second storey addition to the existing dwelling;
- b) a minimum rear yard and right side yard setback of 0.5 metres for the existing shed (labelled as shed #1 on the sketch) and a minimum rear yard setback of 0.5 metres for the existing greenhouse located in the rear yard; and

- c) a minimum rear yard setback of 0.5 metres for the existing shed (labelled as shed #2 on the sketch) located in the rear yard; and
 - d) the existing deck located in the rear yard to be located a minimum of 0.5 metres from the right side lot line.
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Staff Recommendation

Approval

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 construction of a second storey addition located to the rear of the existing dwelling and the recognition of existing accessory structures. 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-10) according to Zoning By-law (1995)-14864, as amended; and are zoned "Low Density Residential" (RL.2) in the Comprehensive Zoning By-law passed by Council on April 18, 2023. The existing dwelling has a legal non-complying side yard setback of 0.50 metres at its nearest point. As the dwelling is not parallel to the lot line, the proposed second storey addition situated to the rear of the existing dwelling footprint would be 0.55 metres from the side lot line at its nearest point and would require a variance to facilitate the addition. Variances are also proposed to recognize setbacks of existing sheds and an existing deck in the rear yard of the property.

Variance A

The first variance requested is to permit a minimum side yard setback of 0.55 metres for the proposed second storey addition, whereas Table 5.1.2 Row 7 of the 1995 Zoning By-law requires a minimum side yard setback of 1.5 metres and Table 6.3 of the 2023 Comprehensive Zoning By-law requires a minimum side yard setback of 0.6 metres. The intent of these provisions is to ensure that there is adequate separation between dwellings on residential lots. The proposed addition is no closer to the side lot line than the existing dwelling, including the existing second storey at the front of the dwelling. Staff are satisfied that the proposal conforms with the general intent of both the 1995 Zoning By-law and the 2023 Comprehensive Zoning By-law.

Variances B, C, and D

Variances B and C are requested to recognize the existing sheds and detached deck no higher than 1.2 metres that have setbacks of 0.5 metres to the side and rear lot lines. Section 4.5.1.2 and Table 4.7 Row 1 of the 1995 Zoning By-law require that accessory buildings maintain side and rear yard setbacks of at least 0.6 metres and uncovered porches no higher than 1.2 metres be set back at least 0.6 metres from the lot line. Similarly, Section 4.5.1(b)(ii) and Table 4.7.6B of the 2023 Comprehensive Zoning By-law require that accessory buildings maintain side and rear yard setbacks of at least 0.6 metres and uncovered porches no higher than 1.2 metres be set back at least 0.6 metres from the lot line. The intent of these provisions is to prevent drainage issues where runoff is directed onto neighbouring properties. As the structures have existed for several years with no issue and the structures direct runoff away from the lot lines staff are satisfied that the proposal conforms with the general intent of both the 1995 Zoning By-law and the 2023 Comprehensive Zoning By-law.

The requested variances would facilitate a second storey addition toward the rear of the existing dwelling and have little impact on the streetscape and neighbouring properties. Staff are satisfied that the proposal is minor in nature and is desirable for the development of the land.

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.

Engineering Services

Engineering has reviewed the request to permit reduced side yard setback for proposed second storey addition to existing residential dwelling, and reduced setbacks for existing sheds, greenhouse and deck. 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.2 Zone under Zoning By-law (2023)-20790, both which permit a single detached dwelling and accessory buildings and structures. The applicant is proposing a second storey addition on the rear portion of the dwelling with a reduced side yard setback of 0.55 metres and to recognize existing setbacks for 2 accessory structures and a deck.

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. Existing openings may remain. Walls less than 1.2m to the property line require a 45 minute fire resistance rating and walls closer than 0.6m to the property line shall have noncombustible cladding. A building permit is required prior to the construction of

the 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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