

# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: A-33/23  
Location: 59 Division Street  
Hearing Date: June 8, 2023  
Owner: Arfan Shafique and Salman Shafique  
Agent: N/A  
Official Plan Designation: Low Density Residential  
Zoning Designation (1995)-14864: Convenience Commercial (C.1) Zone  
Zoning Designation (2023)-20790: Convenience Commercial (CC) Zone

### **Zoning By-Law (1995)-14864 Requirements:**

The By-law requires a minimum rear yard setback of 6 metres for properties located in the C.1 Zone.

### **Zoning By-Law (2023)-20790 Requirements:**

The By-law a minimum rear yard setback of 20% of the lot depth to a maximum of 7.5 metres for properties located in the CC Zone.

### **Request:**

The applicant is seeking relief from the requirements of both By-Laws to permit a minimum rear yard setback of 2 metres for the proposed second-storey addition to the existing building.

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## Staff Recommendation

### Approval

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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 variance will facilitate an addition to the

existing dwelling unit on the second storey. As the requested variance is to facilitate an addition to a permitted use staff are satisfied that the requested variance conforms with the general intent and purpose of the Official Plan.

The subject lands are zoned "Convenience Commercial" (C.1) according to By-law (1995)-14864, as amended; and are zoned "Convenience Commercial" (CC) in the Comprehensive Zoning By-law passed by Council on April 18<sup>th</sup>, 2023. The existing structure has a legal non-complying rear yard setback of 1.4 metres for the first storey at its nearest point. The existing structure also has a legal non-complying rear yard setback of 2.9 metres for the second storey of the structure, and a legal non-complying setback of 1.1 metres for the existing covered balcony deck.

The proposed variance is to permit a minimum rear yard setback of 2.0 metres to facilitate an addition to the existing dwelling unit on the second storey. Considering the rear yard on the subject lands functions as an interior side yard and two storey residential dwellings are permitted with interior side yard setbacks of 1.5 metres in the surrounding neighbourhood, 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 residential addition that would not expand the footprint of the existing structure and would 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 application.

### **Engineering Services**

Engineering has no concerns with the requested variance. We agree with the recommendation made by Planning and Building staff.

### **Building Services**

The subject property is zoned Convenience Commercial (C.1) under Zoning By-law (1995)-14864, as amended, and Convenience Commercial (CC) under Council approved Comprehensive Zoning By-law (2023)-2079, as amended. Both zonings permit dwelling units with permitted commercial uses in the same building including a convenience store, day care centre, food vehicle, (personal) service establishment, and restaurant (take-out).

The applicant is proposing an addition to the existing dwelling unit on the second storey that will have a 2.0 metre setback to the rear lot line. The zoning by-laws require a 7.5 metre rear yard setback or 20% of the lot depth, whichever is lesser. 20% of the lot depth on this property is the required rear yard setback of 5.9 metres. The second storey addition will be above an existing one storey portion of the building which has a legal non-complying setback of 1.4 metres.

The parking configuration of this property currently has legal non-complying status but any future intensification of the property, including creating new dwelling units or additional units for commercial uses will require further approvals for parking layout.

Note that a building permit is required prior to any construction/alterations, at which time requirements under the Ontario Building Code will be reviewed.

Building has no concerns with the application.

## **Comments from the Public**

None

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## **Contact Information**

**Committee of Adjustment:** City Hall, 1 Carden Street, Guelph ON N1H 3A1

519-822-1260 Extension 2524

TTY: 519-826-9771

[cofa@guelph.ca](mailto:cofa@guelph.ca)

[guelph.ca/cofa](http://guelph.ca/cofa)