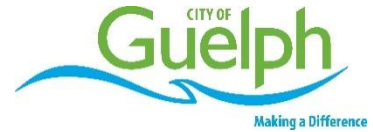


Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-35/23
Location: 92 Huron Street
Hearing Date: June 8, 2023
Owner: Anne-Marie McGeragle
Agent: Michael Teppo
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 minimum side yard setback of 1.5 metres, and where a garage, carport or parking space is not located a minimum of 6 metres from the street line and to the rear of the front wall of the main building, one side yard shall have a minimum dimension of 3 metres.

Zoning By-Law (2023)-20790 Requirements:

The By-law requires 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 metres.

Request:

The applicant is seeking relief from the requirements of both By-laws to permit a minimum right side yard setback of 0.32 metres for the proposed addition at the rear of the existing dwelling.

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. 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 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 18th, 2023. The existing dwelling has a legal non-complying right side yard setback of 0.32 metres at its nearest point. The proposed second storey addition situated towards the rear of the existing dwelling footprint would maintain the 0.32 metre setback from the side lot line and would require a variance to facilitate the addition.

The variance requested is to permit a minimum side yard setback of 0.32 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 and would not have a significant impact on the neighbouring property. 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 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

Staff recommend approval of the application.

Building Services

The subject property is zoned Specialized Residential Single Detached (R.1B-10) under Zoning By-law (1995)-14864, as amended and Low Density Residential 2 (RL.2) under council approved Comprehensive Zoning By-law (2023)-2079, as

amended. The applicant is proposing a reduced 0.32 metre right side yard setback to allow for a 1.5 storey addition.

The property is considered to not have a legal parking space as a minimum dimension for an exterior parking space is 2.5m x 5.5m. The rear balcony on the addition will need to maintain a 2.0 metre setback to each side yard. Table 4.7.2 of Comprehensive Zoning By-law (2023)-2079, as amended, permits balconies to project into the required yard a maximum of 2.4 m while maintaining a minimum 2 m setback from side lot line. The applicant has the option of deferring the application to include an additional variance for the balcony or alter the proposed plan.

Building Services notes for the applicant that new, unprotected openings are not permitted on the dwelling addition closer than 1.2 metres to the property line. 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.

As the proposed dwelling right side yard setback is less than 0.6 metres, an Access Agreement registered on title of the neighbouring property owner (96 Huron St) will be required with the building permit. The agreement shall contain provisions to permit access for the owner of 92 Huron Street onto 96 Huron Street to allow for maintenance and construction of the right side of the dwelling. No portion of the roof/eaves shall cross the property line.

Building Services supports Planning and Engineering recommendations.

Grand River Conservation Authority (GRCA)

The Grand River Conservation Authority (GRCA) has no objection to the proposed minor variance application to permit a reduced side yard setback. Although the GRCA does not object to the requested variance, this does not imply support for the proposed additional residential unit. The applicant will need to demonstrate that applicable GRCA and City of Guelph Two Zone Floodplain Policies can be satisfied in order to obtain a GRCA permit for the proposed development. See attached letter.

Comments from the Public

None

Contact Information

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