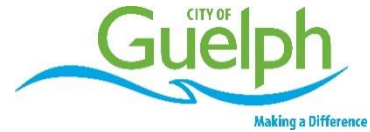


Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-44/23
Location: 51 Spring Street
Hearing Date: July 13, 2023
Owner: Ty Anselmini
Agent: N/A
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) that the minimum front yard setback be 6 metres or the average of the setbacks of the adjacent properties [which is greater than 6 metres], whichever is less, for a dwelling located in the R.1B Zone, and within Defined Area Map Number 66 of the By-law;
- b) that the minimum exterior side yard be 6 metres or the average of the setbacks of the adjacent properties [being 1.5 metres], whichever is less, for a dwelling located in the R.1B Zone, and within Defined Area Map Number 66 of the By-law; and
- c) that the minimum side yard setback be 1.5 metres for a 1 to 2 storey dwelling located in the R.1B Zone.

Zoning By-Law (2023)-20790 Requirements:

The By-law requires:

- a) that the minimum front yard setback for lots located within the Older Built-up Area Overlay of the By-law shall be the average of the established setbacks of the immediately adjacent lots, and where there is only one immediately adjacent lot or where the average of the setbacks of the adjacent lots cannot be determined, the minimum front yard setback shall be 6 metres;
- b) that the minimum exterior side yard setback for lots located within the Older Built-up Area Overlay of the By-law shall be the average of the established setbacks of the immediately adjacent lots, and where there is only one immediately adjacent lot or where the average of the setbacks of the adjacent

lots cannot be determined, the minimum exterior side yard setback shall be 6 metres; and

- c) that the minimum interior side yard setback be 1.5 metres, for properties located in the RL.1 Zone.

Request:

The applicant is seeking relief from the requirements of both By-Laws to permit:

- a) a minimum front yard setback of 2.63 metres for the proposed second storey addition to the existing dwelling;
 - b) a minimum exterior side yard setback of 1.09 metres for the proposed second storey addition to the existing dwelling; and
 - c) a minimum interior side yard setback of 0.9 metres for the proposed second storey addition to the existing dwelling.
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Staff Recommendation

Approval with Conditions

Recommended Conditions

Planning Services

1. That prior to the issuance of a building permit or removal/injury of any City-owned trees (whichever occurs first), the applicant shall prepare and submit a Tree Inventory and Preservation Plan (TIPP) to the satisfaction of the General Manager of Parks. If any City-owned trees are to be removed/injured to accommodate the development the applicant shall provide compensation either in the form of Cash in Lieu or Replacement Trees, or a combination of the two at the discretion of City staff. The applicant shall contact Forestry staff to confirm requirements prior to preparing the TIPP.

Building Services

2. That a survey of the property be submitted with the building permit application for the second storey addition.
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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 construction of a second storey addition maintaining the same footprint as 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) according to By-law (1995)-14864, as amended; and are zoned "Low Density Residential" (RL.1) in the Comprehensive Zoning By-law passed by Council on April 18th, 2023. The existing dwelling has a legal non-complying front, exterior side yard and interior side yard setback of 2.63 metres, 1.09 metres, and 0.9 metres at their nearest points respectively. The proposed second storey addition would maintain the same footprint as the existing dwelling and would require front, exterior side yard, and interior side yard variances to facilitate the addition.

The variance requested is to permit a minimum front yard setback of 2.63 metres, a minimum exterior side yard setback of 1.09 metres, and a minimum interior side yard setback of 0.9 metres for the proposed second storey addition, whereas Table 5.1.2, Rows 6, 6a, and 7 of the 1995 Zoning By-law requires a minimum front yard setback of 6 metres, minimum exterior side yard setback of 4.5 metres, and a minimum interior side yard setback of 1.5 metres respectively.

Table 6.3 of the 2023 Comprehensive Zoning By-law requires a minimum front yard, exterior side yard and interior side yard setbacks of 6 metres, 6 metres, and 1.5 metres respectively.

The intent of the front and exterior side yard setback requirements is to ensure that dwellings are adequately set back from the street. The existing dwelling maintains a front yard setback similar to the other dwellings along the north side of Havelock Street. The existing exterior side yard setback to Spring Street is similar to that of the neighbouring dwelling to the rear (88 Delhi Street). The proposed second storey addition is maintaining the same footprint as the existing dwelling and is not further reducing the front or exterior side yard setbacks. For this reason, staff are satisfied that the intent of the minimum front and exterior side yard setback provisions in both the 1995 and 2023 Zoning By-laws are maintained.

The intent of the interior side yard setback provision is to ensure that there is adequate separation between dwellings on residential lots. As the proposed addition does not further reduce the interior side yard setback and the nearest neighbouring dwelling is more than 10 metres away from the side lot line, staff are satisfied that the intent of the minimum side yard setback provision in both the 1995 and 2023 Zoning By-law is maintained.

The requested variances would facilitate a second storey addition on top of the existing dwelling and would have little impact on the neighbouring properties. The proposed addition will not expand the footprint of the dwelling towards the front or side lot lines. For these reasons staff are satisfied that the proposal is minor in nature and is desirable for the development of the land.

The subject property is less than 0.2 hectares in size and therefore not regulated by the Private Tree By-law. However, there are City-owned trees (Sugar Maples) fronting Spring Street that may be impacted by the proposed development. Consistent with the Official Plan, trees and shrubs within the City's right-of-way need to be appropriately considered and protected during any type of construction/works within the dripline. Protection must be optimized as injury or destroying such a tree may not be granted by the City. Any proposal to injure or

destroy a City-owned tree must be accompanied by a Tree Inventory and Preservation Plan, to the satisfaction of the General Manager of Parks. 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. A condition has been included to this effect.

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

Building Services

The subject property is zoned Residential Single Detached (R.1B) under Zoning By-law (1995)-14864, as amended and Low Density Residential 1 (RL.1) under council approved Comprehensive Zoning By-law (2023)-2079, as amended. Both zones permit a single detached dwelling. The applicant is proposing a second storey addition to the existing dwelling which will require setback variances as the existing one storey dwelling has legal non-complying setbacks.

A building permit is required prior to the construction of the addition, at which time requirements under the Ontario Building Code will be reviewed. The applicant will need to provide a survey for this property with the submission of a building permit as the City does not have any property line records for this property and adjacent surrounding properties.

Building has no objection to the application subject to the recommended condition to provide a survey to confirm the property lines, and supports Engineering and Planning recommendations.

Comments from the Public

None

Contact Information

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