

# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: A-53/23  
Location: 277 Arthur Street North  
Hearing Date: August 10, 2023  
Owner: Cynthia Waldow and Michael Peter Bonneveld  
Agent: Joel Bartlett, Joel Bartlett 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 4 (RL.4) Zone

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

The By-law requires that properties located in the R.1B Zone with buildings over 2 storeys located within Defined Area Map Number 66 of Schedule "A" of the By-law shall have a minimum side yard of 1.5 metres.

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

As the building permit (file number 2023 000441 000 00 BRR) related to this application was submitted prior to the adoption of Zoning By-law (2023)-20790, as amended, no variances are required to pursue the above-mentioned building permit under Zoning By-law (2023)-20790, as amended.

### **Request:**

The applicant is seeking relief from the requirements of Zoning By-law (1995)-14864, as amended, to permit a minimum right side yard setback of 1.0 metre for the proposed attached garage to the existing detached dwelling.

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## Staff Recommendation

**Approval with Condition**

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## **Recommended Conditions**

### **Planning Services**

1. That prior to the issuance of a building permit, the applicant shall prepare and submit a Tree Inventory and Preservation Plan (TIPP) for any boundary or City-owned trees along Arthur Street North that may be impacted by the proposed works to the satisfaction of the General Manager of Parks. If any trees are to be injured or removed to accommodate the proposed 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 must contact Forestry staff to confirm requirements prior to preparing the TIPP.
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## **Comments**

### **Planning Services**

The subject property is designated as "Low Density Residential" in the Official Plan. The "Low Density Residential" land use designation applies to residential areas within built-up areas of the City and permits a range of housing types including single detached dwellings. The requested variance will facilitate a new attached garage to the existing single detached dwelling. The requested variance is considered to meet the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. The requested variance will facilitate the construction of an attached garage on the right side of the dwelling with an interior side yard setback of 1 metre, whereas, Table 5.1.2, Row 7 and Section 5.1.2.8 require a minimum side yard setback of 1.5 metres. A variance to Zoning By-law (2023)-20790, as amended, is not required as the building permit associated with this application was submitted prior to the April 18, 2023 adoption of Zoning By-law (2023)-20790.

The general intent and purpose of the Zoning By-law in requiring side yard setbacks is to provide adequate separation from buildings on adjacent properties, to maintain access to the rear yard, and to allow for lot grading and drainage. The requested 1 metre right side yard setback will provide adequate separation from adjacent buildings and allow for lot grading and drainage. Additionally, access to the rear yard can be provided on the left side of the dwelling where there is a 3.56 metre setback. Staff are satisfied that the proposed variance meets the general intent and purpose of the Zoning By-law.

The proposed attached garage will provide an enclosed legal parking space for the existing dwelling, having little impact on the streetscape and neighbouring properties. The requested variance is desirable for the appropriate development of the land and is minor in nature.

The subject property is less than 0.2 hectares in size and therefore not regulated by the Private Tree By-law. However, there is a shared tree with the City, fronting

Arthur Street that may require protection during proposed works. 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 tree must be accompanied by a Tree Inventory and Preservation Plan, to the satisfaction of the General Manager of Parks. A condition has been added to this effect.

The requested variance meets the general intent and purpose of the Official Plan and Zoning By-law, is desirable for the appropriate development of the land and is minor in nature.

Staff recommend approval of the application subject to the above noted condition.

### **Heritage Planning**

The subject property is listed on the Municipal Register of Cultural Heritage Properties and is considered a built heritage resource. Heritage planning staff have no concerns about this application.

### **Engineering Services**

Engineering has no concerns with the requested variance seeking relief from the requirements of Zoning By-law (1995)-14865, as amended, to permit a minimum right side yard setback of 1.0 metre for the proposed attached garage to the existing detached dwelling, subject to the following condition be imposed:

Prior to the issuance of building permit, the owner agrees to provide a grading and drainage plan in accordance with the city's Development Engineering Manual to the satisfaction of the General Manager/City Engineer demonstrating that the proposed additions do not adversely impact the adjacent parcels.

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 4 (RL.4) under council approved Comprehensive Zoning By-law (2023)-2079, as amended. The applicant is proposing a one-storey garage addition with a 1 metre setback, whereas the minimum setback is 1.5 metres in the R.1B Zone for a single detached dwelling.

The dwelling was previously a legal non-confirming triplex under the 1995 ZBL, which was recognized under the 2023 CZBL, but has been converted back to a single family dwelling, starting with building permits issued prior to Council approval of the new CZBL. Now the dwelling is a legal non-confirming single family dwelling under the 2023 CZBL.

The garage addition is a revision to a permit applied for prior to April 18, 2023, therefore a variance is only needed under the 1995 Zoning By-law.

Note that a building permit is required prior to any construction, 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.

### **Grand River Conservation Authority (GRCA)**

The Grand River Conservation Authority (GRCA) has no objection to the proposed minor variance application. See attached letter.

### **Comments from the Public**

None

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### **Contact Information**

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

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