

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-52/23
Location: 16 Cityview Drive South
Hearing Date: August 10, 2023
Owner: Rebecca Mills
Agent: Justin Kelly, Tri-City Drafting and Design Services
Official Plan Designation: Low Density Residential
Zoning Designation (1995)-14864: Residential Single Detached (R.1C) Zone
Zoning Designation (2023)-20790: Low Density Residential 2 (RL.2) Zone

Zoning By-Law (1995)-14864 Requirements:

The By-Law requires that the minimum exterior side yard setback be 4.5 metres for a property located in the R.1C Zone.

Zoning By-Law (2023)-20790 Requirements:

The By-Law requires a minimum exterior side yard setback of 4.5 metres for a property located in the RL.2 Zone.

Request:

The applicant is seeking relief from the requirements of both By-laws to permit a minimum exterior side yard setback of 3.33 metres for the proposed two-storey addition to the existing dwelling.

Staff Recommendation

Approval with Condition

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 City-owned trees along White Street that may be impacted by the proposed development 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.

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 two-storey addition in the rear of the existing 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.1C) according to Zoning By-law (1995)-14864, as amended; and is zoned "Low Density Residential 2" (RL.2) in Zoning By-law (2023)-20790, as amended. The requested variance will facilitate the construction of a two-storey rear addition to an existing single detached dwelling with an exterior side yard setback of 3.33 metres. Table 5.1.2, Row 6a of Zoning By-law (1995)-14864, as amended, requires an exterior side yard setback of 4.5 metres. Table 6.3 of Zoning By-law (2023)-20790, as amended, similarly requires an exterior side yard setback of 4.5 metres.

The general intent and purpose of the Zoning By-law relating to exterior side yard setbacks is to ensure a consistent streetscape and to ensure buildings do not impede the sight line. The proposed addition is aligned with the existing dwelling and requires the reduced exterior side yard setback due to the irregular shape of the lot. The proposed addition is consistent with the character of the neighbourhood and does not impede the sight line at the intersection of Cityview Drive South and White Street due to the irregular lot line. City staff are satisfied that the requested variance meets the general intent and purpose of both the 1995 Zoning By-law and 2023 Comprehensive Zoning By-law.

The requested variance would facilitate the construction of a two-storey addition to the existing single detached dwelling, having little impact on the streetscape and neighbouring properties. Additionally, due to the irregular lot shape the setback will appear from the street to be larger than the requested 3.33 metres. 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 appears to be City-owned trees fronting White Street that may be impacted by the proposed addition. 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 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 both Zoning By-laws, is desirable for the appropriate development of the land and is considered to be minor in nature.

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

Engineering Services

Engineering has no concerns with the applicant's request for seeking relief from the requirements of both By-laws to permit a minimum exterior side yard setback of 3.33 metres for the proposed two-storey addition to the existing dwelling.

We agree with the recommendation made by Planning and Building staff.

Building Services

The subject property is zoned Residential Single Detached (R.1C) 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. Both zones permit a single detached dwelling.

The applicant is proposing a two-storey addition to the rear of the existing dwelling. The proposed addition is in line with the existing dwelling and will have a minimum setback of 3.3 metres to the exterior lot line, with the setback gradually increasing beyond the minimum required setback in both zones of 4.5 metres, due to the angled property line.

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.

Comments from the Public

None

Contact Information

Committee of Adjustment: City Hall, 1 Carden Street, Guelph ON N1H 3A1
519-822-1260 Extension 2524 cofa@guelph.ca
TTY: 519-826-9771 guelph.ca/cofa