

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-59/23
Location: 55 Menzie Avenue
Hearing Date: September 14, 2023
Owner: Mark Hovey
Agent: Sara Gasman, Innovatus Engineering Inc.
Official Plan Designation: Low Density Residential
Zoning Designation (1995)-14864: Specialized Residential Single Detached (R.1C-3) Zone
Zoning Designation (2023)-20790: Low Density Residential 2 (RL.2) Zone

Zoning By-Law (1995)-14864 Requirements:

The By-law requires a minimum interior side yard of 1.2 metres for a 1 to 2 storey building located in the R.1C-3 Zone.

Zoning By-Law (2023)-20790 Requirements:

The By-law requires a minimum interior side yard setback of 1.2 metres on one side of the dwelling unit, and 0.6 metres on the other side, 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 right side yard setback of 0.87 metres for the proposed second storey addition to the rear of the existing dwelling.

Staff Recommendation

Approval with Condition

Recommended Conditions

Alectra Utilities

1. That prior to issuance of a building permit, the applicant make arrangements with the ICI and Layouts Department of Alectra Utilities for the possible relocation of the existing overhead hydro service. This would be at the applicant's expense.

Comments

Planning Services

The subject property is designated "Low Density Residential" in the City's 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 development, including single detached dwellings and associated structures. As the uses are permitted staff are satisfied that the proposal conforms with the intent of the Official Plan.

The subject property is zoned "Specialized Residential Single Detached" (R.1C-3) according to Zoning By-law (1995)-14864, as amended; and is zoned "Low Density Residential 2" (RL.2) in the Comprehensive Zoning By-law passed by Council on April 18th, 2023. The R.1C-3 Zone requires a minimum side yard setback of 1.2 metres for a 1 to 2 storey building. The RL.2 Zone requires a minimum side yard setback of 1.2 metres on one side of the dwelling unit, and 0.6 metres on the other side. The applicant is proposing a second storey addition in line with the existing dwelling that would maintain a north side yard setback of 0.87 metres at its closest point. With the exception of a non-conforming carport, the south side yard would maintain the required 1.2 metre setback. The intent of side yard setback provisions is to ensure that there is adequate separation between dwellings on residential lots to allow for proper lot grading and drainage, allow access to the rear yard and maintain privacy. 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 variance 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 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.

Engineering Services

Engineering has no concerns with the requested variance seeking relief from the requirements of Zoning By-law (1995)-14864, as amended, to permit reduced side yard setback for proposed second storey addition to the rear of the existing dwelling.

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

Building Services

The subject property is zoned Specialized Residential Single Detached (R.1C-3) 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 RL.2 Zone also permits a semi-detached dwelling, duplex dwelling and a triplex dwelling.

The applicant is proposing a second storey addition to the dwelling with a right side yard setback of 0.87 metres.

Building Services notes for the applicant that new, unprotected openings are not permitted on the dwelling 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. A building permit is required prior to the construction of the addition, at which time requirements under the Ontario Building Code will be reviewed.

Building Services supports Planning and Engineering recommendations.

Alectra Utilities

Please see attached correspondence from Alectra Utilities.

Grand River Conservation Authority (GRCA)

Please see attached correspondence from the Grand River Conservation Authority.

Comments from the Public

None

Contact Information

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