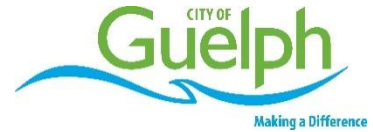


Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-57/23
Location: 239 Liverpool Street
Hearing Date: September 14, 2023
Owner: Karen and Andrew McNabb
Agent: Bobby Randhawa, Randaro Real Estate
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 that an additional residential dwelling unit in a separate building on a lot shall have a minimum side and rear yard setback consistent with the setback requirements for the primary dwelling [1.5 metres].

Zoning By-Law (2023)-20790 Requirements:

The By-law requires that an additional residential dwelling unit within a separate building on a lot shall have a minimum interior side yard and rear yard setback consistent with the required interior side yard setback for the primary dwelling unit [1.5 metres] in the RL.1 Zone.

Request:

The applicant is seeking relief from the requirements of both By-Laws to permit a minimum left side yard setback of 0.65 metres for the proposed additional residential dwelling unit (ARDU) within a separate building on the lot.

Staff Recommendation

Refusal

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 housing types including single detached dwellings and additional residential dwelling units (ARDUs). As the uses are permitted staff are satisfied that the proposal conforms with the intent of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended; and is zoned "Low Density Residential" (RL.1) in the Comprehensive Zoning By-law passed by Council on April 18th, 2023. Both By-laws require detached ARDUs to have a minimum side yard setback consistent with the side yard setback for the primary dwelling in the applicable zone. The required side yard setback in both the R.1B and RL.1 zones is 1.5 metres. When Council approved the required zoning regulations for detached ARDUs in December 2020 they noted that a side yard setback of 0.65 metres similar to that of detached garages would contribute to a lack of privacy and would make maintenance on the ARDU more difficult. As a result, zoning regulations were passed to ensure that setback requirements for habitable buildings are the same whether they are ARDUs or main dwelling units to preserve privacy and ensure an adequate separation between dwellings on adjacent lots. In the opinion of staff the proposed side yard setback of 0.65 metres would contribute to a lack of privacy for both the resident of the ARDU and the neighbouring property, and would not conform with the general intent and purpose of the Zoning By-law as described above.

The proposed side yard setback of 0.65 metres for an ARDU would not provide sufficient privacy for the resident of the ARDU or the neighbouring property. For these reasons staff are of the opinion that the proposed setback is not desirable for the appropriate development of the lands.

Considering there is sufficient space on the property to relocate the structure and comply with the required 1.5 metre setback staff are of the opinion that the proposed setback is not minor in nature.

In the opinion of planning staff, the requested variance does meet the general intent and purpose of the Official Plan, but does not meet the general intent and purpose of the Zoning By-law, is not desirable for the appropriate development of the lands and is not minor in nature.

Staff recommend refusal 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 additional residential dwelling unit with a separate building.

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

Should the Committee wish to approve this application, Engineering staff recommend the following condition: That the owner directs all downspouts to discharge at least 0.3m from any adjacent property.

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 and an additional residential dwelling unit (ARDU) within a separate building on the same lot. The applicant is proposing to convert the existing detached garage/accessory building to an ARDU in a separate building. The existing building has a minimum 0.65m setback to the left side lot line.

Accessory buildings require a minimum setback of 0.6 metres to the side and rear lot lines and permit a maximum height of 4 metres under council approved Comprehensive Zoning By-law (2023)-2079, as amended.

The required side yard setback for an ARDU in a separate building in the RL.1 Zone is 1.5 metres and permits a maximum one storey height of 5 metres. Height is measured to the midpoint of the roofline. However, the height of the ARDU shall not exceed the overall height of the primary dwelling unit, measured between the average finished grade to the top of such building.

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 and walls closer than 0.6m to the property line shall have non-combustible cladding. A building permit is required prior to the construction/conversion of the new dwelling, at which time requirements under the Ontario Building Code will be reviewed.

Building Services supports Planning and Engineering recommendations.

Comments from the Public

None

Contact Information

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