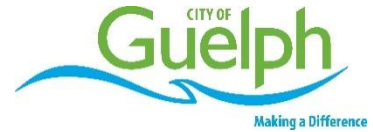


Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-67/23
Location: 23 Mac Avenue
Hearing Date: October 12, 2023
Owner: Rob and Amanda Brown
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 minimum side yard setback of 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 minimum interior side yard setback of 1.5 metres for a property located in the RL.1 Zone.

Request:

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

- a) a minimum right side yard setback of 1.0 metre for the proposed attached garage; and
- b) a minimum left side yard setback of 0.65 metres for the proposed two-storey addition to the existing residential dwelling.

Staff Recommendation

Approval

Comments

Planning Services

The subject property is designated "Low Density Residential" in the Official Plan. The "Low Density Residential" land use designation applies to residential areas

within the built-up areas of the City which are low-density in character. This designation permits a broad range of low-density residential uses, including single detached dwellings, semi-detached dwellings, duplex dwellings and multiple unit residential buildings, such as townhouses and apartments. The requested variances will facilitate the construction of an attached garage and two-storey addition to the rear of an existing single detached dwelling, which is a permissible use within the "Low Density Residential" land use designation. The requested variances are 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 and is zoned "Low Density Residential" (RL.1) in the Comprehensive Zoning By-law (2023)-20790 passed by Council on April 18th, 2023. The applicant is proposing to construct an attached garage and a two-storey addition to the rear of the existing residential dwelling. To facilitate this proposal, variances are required to both Zoning By-laws.

Variance A:

The applicant is requesting a variance to permit a minimum right side yard setback of 1.0 metre for the proposed attached garage whereas Table 5.1.2, Row 7 of the 1995 Zoning By-law requires a minimum side yard setback of 1.5 metres, and Table 6.3 c) of the 2023 Comprehensive Zoning By-law requires a minimum side yard setback of 1.5 metres. The general intent of minimum side yard setbacks in the Zoning By-law is to provide adequate separation from buildings on adjacent properties in proportion to the building's height, maintain access, ensure safety, and where necessary, to accommodate services, and allow for proper lot grading and drainage. The proposed reduced side yard setback is limited in size and located to the rear of the existing dwelling. The reduced setback is not expected to negatively impact the neighbour's property or streetscape and will still allow for proper lot grading and drainage and access to the rear yard. The requested variance is considered to meet the general intent and purpose of the Zoning By-law, is considered to be desirable for the appropriate development of the land and is minor in nature.

Variance B:

The applicant is requesting a variance to permit a minimum left side yard setback of 0.65 metres for the proposed two storey addition whereas Table 5.1.2, Row 7 of the 1995 Zoning By-law requires a minimum side yard setback of 1.5 metres and Table 6.3 c) of the 2023 Comprehensive Zoning By-law requires a minimum side yard setback of 1.5 metres. The general intent of minimum side yard setbacks in the Zoning By-law is to provide adequate separation from buildings on adjacent properties in proportion to the building's height, maintain access, ensure safety, and where necessary, to accommodate services, and allow for proper lot grading and drainage. The existing house currently has a legal non-complying left side yard setback of 0.65 metres. The proposed two storey addition will match the side yard setback of the existing house. If the applicant were to construct the addition at the required setback, it could create a disconnected floor plan. As such, the requested variance is considered to meet the general intent and purpose of the Zoning By-

law, is considered to be desirable for the appropriate development of the land and is minor in nature.

The requested variances to both By-laws 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 to demolish a portion of the existing dwelling and build a two storey addition to the rear of the dwelling which will have a minimum 0.65 metre setback from the left side lot line and be in line with the existing dwelling. An attached garage with a proposed 1 metre setback from the right side lot line is also proposed, but elevations or any note about the height of the attached garage were not provided. The existing building has a minimum 0.65m setback to the left side lot line.

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 noncombustible cladding. A building permit is required prior to the demolition and construction, at which time requirements under the Ontario Building Code will be reviewed.

Building Services supports Planning and Engineering recommendations.

Comments from the Public

Yes (See Attached)

Contact Information

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