

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-75/23
Location: 31 Margaret Street
Hearing Date: November 9, 2023
Owner: Justin Boire
Agent: Justin Kelly, Tri-City Drafting and Design Services
Official Plan Designation: Residential 1
Zoning Designation (1995)-14864: Specialized Residential Single Detached (R.1B-10) Zone
Zoning Designation (2023)-20790: Low Density Residential 2 (RL.2) Zone

Zoning By-Law (1995)-14864 Requirements:

The By-law requires:

- a) a minimum rear yard of 7.5 metres or 20% of the lot depth, whichever is less; and
- b) a minimum side yard setback of 1.5 metres.

Zoning By-Law (2023)-20790 Requirements:

The By-law requires:

- a) a minimum rear yard of 7.5 metres or 20% of the lot depth, whichever is less; and
- b) that a balcony (applicable to floors above main floor/entry level) has a minimum setback from a lot line of 2 metres.

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

- a) a minimum rear yard setback of 0.96 metres for the proposed addition to the existing single detached dwelling;
- b) a minimum setback from the interior side lot line of 1.288 metres for the proposed second floor balcony.

Staff Recommendation

Approval

Comments

Planning Services

The subject lands are designated as "Residential 1" in the Downtown Secondary Plan. The "Residential 1" land use designation applies to residential areas within the Downtown area mostly occupied by low-rise forms of housing, including detached and semi-detached houses, townhouses, and apartment buildings. The requested variances will facilitate the construction of an addition to the existing single detached dwelling with a second-floor balcony. Policy 11.1.7 of the Official Plan provides several land use objectives to be achieved in the Downtown area. Creating new built form promotes the development of diverse neighbourhoods in Downtown areas with a variety of housing choices, including units suitable for families and affordable housing (11.1.7(d)). In addition, other objectives emphasize the need to ensure the built form of development contributes to attractive streetscapes that support an inviting, comfortable, and active public realm (11.1.7(f)). New developments are also to be compatible with and respect the existing character of downtown's historic fabric and the quality of life in surrounding neighbourhoods (11.1.7(g)). Staff are satisfied that the proposal conforms with the general intent and purpose of the Official Plan.

The subject lands are zoned "Specialized Residential Single Detached" (R.1B-10) according to Zoning By-law (1995)-14864, as amended; and are zoned "Low Density Residential" (RL.2) in the Comprehensive Zoning By-law passed by Council on April 18, 2023. The proposed addition has a rear yard setback of 0.96 metres in keeping with the existing legal non-complying dwelling and is proposing a side yard setback of 1.28 metres for the proposed balcony. The requested variances would address the minimum setback requirements for the proposed addition to the dwelling.

Variance A

The variances requested would permit a minimum rear yard setback of 0.96 metres for the proposed addition, whereas Table 5.1.2 Row 8 of the 1995 Zoning By-law and Table 6.3 of the 2023 Comprehensive Zoning By-law require a minimum rear yard of 7.5 metres or 20% of the lot depth, whichever is less. The intent of these provisions is to ensure adequate separation between dwellings on residential lots. The proposed addition maintains the existing legal non-complying rear yard setback of 0.96 metres and will not be any closer to the rear lot line than what currently exists. As such, the rear yard setback for the proposed addition will have minimal impact on the adjacent properties. Staff are satisfied that the proposal maintains the general intent of the Zoning By-law.

Variance B

The variances requested would permit a minimum side yard setback of 1.28 metres for the proposed 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 4.7.2 of the 2023 Comprehensive Zoning By-law requires that a balcony has a minimum setback from a lot line of 2 metres. The intent of these provisions is to ensure adequate

separation between dwellings on residential lots and maintain a reasonable level of privacy. The nearest neighbouring dwelling is more than 5 metres away from the side lot line and the proposed balcony will be facing the neighbouring driveway fronting onto Howitt Street. The addition will maintain adequate separation between dwellings and will have no impact on the privacy of the occupants of the neighbouring property. Staff are satisfied that the intent of both the 1995 and 2023 Zoning By-laws are maintained.

The requested variances would permit the construction of an addition to the existing single detached dwelling with a second-floor balcony towards the rear of the property, having 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 variances 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.

Heritage Planning

The subject property is listed on the Municipal Register of Cultural Heritage Properties and is considered a built heritage resource in the City of Guelph. Heritage staff have no issues with the proposed addition.

Engineering Services

Engineering has no concerns with the requested variance.

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

Building Services

The subject property is zoned Specialized Residential Single Detached (R.1B-10) under Zoning By-law (1995)-14864, as amended and Low Density Residential 1 (RL.2) 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 with a balcony. The balcony is situated so that the overlook into the neighbour's side and front yard will be minimal. The existing house has a rear yard setback of 0.96 metres due to the unique historical layout of the property.

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 demolition and construction, at which time requirements under the Ontario Building Code will be reviewed.

Building Services has no concerns with the requested variances and supports Planning and Engineering recommendations.

Grand River Conservation Authority (GRCA)

The GRCA has no objection to the proposed minor variance application. Please see attached letter for comments.

Comments from the Public

None

Contact Information

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