

# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: A-80/23  
Location: 1-3 Quebec Street  
Hearing Date: December 14, 2023  
Owner: Guelff Enterprises Inc.  
Agent: Shawntanna Atkinson, Hickory Dickory Decks  
Official Plan Designation: Mixed Use 1  
Zoning Designation (1995)-14864: Specialized Downtown (D.1-1) Zone  
Zoning Designation (2023)-20790: Site-specific Downtown 1 (D.1-1) Zone

### **Zoning By-Law (1995)-14864 Requirements:**

The property is located in the Specialized Downtown 1 (D.1-1) Zone of Zoning Bylaw (1995)-14864, as amended.

### **Zoning By-Law (2023)-20790 Requirements:**

A variance from Table 4.7.2 of Zoning By-law (2023)-20790, as amended, is being requested. The By-law requires a minimum setback from a lot line of 2 metres for balconies above the main floor/entry level.

**Request:** The applicant is seeking relief from the requirements of Zoning By-law (2023)- 20790 to permit a minimum setback from the interior side and rear lot lines of 0.15 metres for the proposed second floor balcony.

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## Staff Recommendation

### Approval

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## Comments

### Planning Services

The subject property is designated as "Mixed Use 1" in the Downtown Secondary Plan. The Downtown Secondary Plan has updated policies for the Downtown area in the Official Plan. The "Mixed Use 1" land use designation permits a broad range of uses in a mix of highly compact development forms. The subject property currently contains a mixed-use building with ground floor retail and residential uses on the second storey. The applicant is proposing to construct a second-storey balcony to

be enjoyed by the residents. The requested variances are considered to meet the general intent and purpose of the Downtown Secondary Plan.

The subject property is designated as "Specialized Downtown" (D.1-1) according to Zoning By-law (1995)-14864, as amended; and is zoned "Site-Specific Downtown 1" (D.1-1) according to Zoning By-law (2023)-20790, as amended. A variance to the 2023 Zoning By-law to permit a second-storey balcony for an existing second storey residential unit with an interior side and rear yard setback of 0.15 metres is required. Table 4.7.2 of Zoning By-law (2023)-20790, as amended, requires a minimum setback of 2 metres from the lot line for balconies above the main floor/entry level.

The general intent and purpose of the Zoning By-law related to minimum setbacks for balconies above the main floor/entry level is to ensure privacy on both the balcony and for neighbouring properties. The proposed balcony is surrounded by taller buildings that have no windows facing the balcony. The balcony will also not be touching any of the adjacent buildings. It is Planning staff's opinion that the balcony will maintain the privacy of neighbouring properties and ensure privacy for the resident's using the balcony. The requested variance is considered to meet the general intent and purpose of both Zoning By-laws.

The proposed second-storey balcony setback of 0.15 metres from the interior side and rear lot lines is not expected to interfere with the privacy of the residents or neighbouring properties. Due to the unique lot shape, there would be limited visibility of the proposed balcony from the street. Additionally, the proposed balcony would replace a previously demolished carport and two-storey addition. Staff are satisfied that the proposed variance is minor in nature and appropriate for the development of the land.

The requested variance is considered to meet the general intent and purpose of the Downtown Secondary Plan, the general intent and purpose of the Zoning By-law, are minor in nature, and are desirable for the appropriate development of the lands.

Staff recommend approval of the application.

### **Engineering Services**

Engineering has no concerns with the requested variance. We agree with the recommendations made by Planning and Building staff.

### **Heritage Planning**

The subject property is designated under Part IV of the Ontario Heritage Act and is considered a significant built heritage resource. Heritage staff have no concerns with the requested variance. The applicant is encouraged to contact heritage planning staff because this alteration may require a heritage permit.

### **Building Services**

This property is zoned Specialized Downtown 1 (D.1-1) under both Zoning By-law (1995)-14864, as amended and Council approved Comprehensive Zoning By-law

(2023)-2079, as amended. Both zones permit a mixed use building. The property is in an active frontage area where a dwelling unit is not permitted on a main floor area. The existing dwelling unit is within the second storey and is proposing a balcony near the rear corner of the property.

The applicant is requesting a 0.15m setback from the interior side and rear property lines to permit a deck on the second storey for the dwelling unit. CZBL 2023-20790, Table 4.7.2, requires a minimum setback of 2m from the side and rear lot lines. The maximum projection of 2.4m into the required yard is met as the required side and rear setback is 0m in the D.1 Zone. There are no balcony regulations in the 1995 ZBL under table 4.7 for the downtown zones, just residential zones, therefore the required setbacks are those of the D.1 zone, which is 0 metres for this mixed-use building.

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.

## **Comments from the Public**

None

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## **Contact Information**

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