

# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: A-1/24  
Location: 51 Alice Street  
Hearing Date: January 11, 2024  
Owner: Ralph and Charlene Downey  
Agent: N/A  
Official Plan Designation: Low Density Residential  
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 property is located in the Specialized Residential Single Detached (R.1B-10) Zone. Variances from Table 5.1.2 Row 6, Section 5.1.2.7 i), and Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, are being requested. The By-law requires:

- a) that for dwellings located within Defined Area Map Number 66 of Schedule "A" of the By-law, a minimum front yard of 6 metres or the average of the setbacks of the adjacent properties [being 2.78 metres]; and
- b) a minimum side yard setback of 1.5 metres.

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

The property is also located in the Low Density Residential 2 (RL.2) Zone. A variance from Table 6.3 of Zoning By-law (2023)-20790, as amended, is being requested. The By-law requires that for lots within the Older Built-Up Area Overlay, a minimum front yard setback is the average of the established setbacks of the immediately adjacent lots [being 2.78 metres].

### Request:

The applicant is seeking relief from the requirements of Zoning By-law (1995)-14864, as amended, to permit:

- a) a minimum front yard setback of 1.3 metres for the proposed enclosed front porch;
- b) a minimum left side yard setback of 1.03 metres for the proposed enclosed front porch;

- c) a minimum left side yard setback of 1.2 metres for the proposed addition to the rear of the existing dwelling; and
- d) a minimum right side yard setback of 1.2 metres for the proposed attached garage.

The applicant is also seeking relief from the requirements of Zoning By-law (2023)-20790, as amended, to permit a minimum front yard setback of 1.3 metres for the proposed enclosed front porch.

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## **Staff Recommendation**

### **Approval with Condition**

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## **Recommended Conditions**

### **Planning Services**

1. That the size and general construction of the proposed addition be in general accordance with the Public Notice sketch.
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## **Comments**

### **Planning Services**

The subject property is designated "Low Density Residential" under the Official Plan. The "Low Density Residential" land use designation applies to built-up residential areas of the City which are intended to support a range of low-density housing types. Included among these "Low Density Residential" housing types is a single-detached residential dwelling. The requested minor variances would not conflict with the general intent and purpose of the Official Plan as the proposed addition maintains the existing low density single-detached residential use and nature on the subject property.

The subject property is zoned "Specialized Residential Single Detached" (R.1B-10) according to Zoning By-law (1995)-14864, as amended; and are zoned "Low Density Residential 2" (RL.2) in the Zoning By-law (2023)-20790 passed by Council on April 18, 2023. These residential zones permit single detached dwellings and other related accessory uses. The applicant is proposing to construct a two-storey addition including a two storey attached garage at the rear of the existing dwelling. The existing dwelling has a legal non-complying front yard setback of 1.31 metres to the enclosed vestibule and concrete porch, requesting relief from both the 1995 Zoning By-law, and the 2023 Zoning By-law. Additionally, there is an existing non-complying side yard setback of 1.03 metres alongside the eastern portion of the subject property, including the porch and the existing dwelling. The following five variances are required to facilitate the proposal:

- a. a minimum front yard setback of 1.31 metres for the existing enclosed vestibule and porch, whereas the 1995 by-law requires that for dwellings located within Defined Area Map Number 66 of Schedule "A" of the By-law, a

- minimum front yard of 6 metres or the average of the setbacks of the adjacent properties [being 2.78 metres];
- b. a minimum front yard setback of 1.31 metres for the existing enclosed vestibule and porch, whereas the 2023 bylaw requires that for dwellings located within Defined Area Map Number 66 of Schedule "A" of the By-law, a minimum front yard of 6 metres or the average of the setbacks of the adjacent properties [being 2.78 metres];
  - c. a minimum eastern side yard setback of 1.03 metres for the enclosed porch and the existing dwelling whereas the 1995 by-law requires a minimum side yard setback of 1.5 metres;
  - d. a minimum eastern side yard setback of 1.21 metres for the proposed two storey addition situated to the rear of the existing dwelling footprint whereas the 1995 by-law requires a minimum side yard setback of 1.5 metres; and
  - e. a minimum western side yard setback of 1.21 metres to permit the construction of the proposed two storey single car attached garage situated to the rear of the existing dwelling footprint whereas the 1995 by-law requires a minimum side yard setback of 1.5 metres.

### **Variances A and B**

The variances requested would permit a minimum front yard setback of 1.3 metres for the proposed addition, whereas Table 5.1.2 Row 7 of the 1995 Zoning By-law and Table 6.3 of the 2023 Comprehensive Zoning By-law requires that for dwellings located within Defined Area Map Number 66 of Schedule "A" of the By-law, a minimum front yard of 6 metres or the average of the setbacks of the adjacent properties [being 2.78 metres] is required.

The intent of minimum front yard setbacks is to provide an adequate and consistent separation between the main dwelling and the street right-of-way, and to allow for proper lot grading and drainage. The subject property is located within an older and established neighbourhood of the City where reduced and irregular setbacks on low-rise residential blocks are common. The front lot line is located some distance away from the existing road and sidewalk layout along Alice Street, which will allow adequate separation between the dwelling and street to be maintained.

Additionally, as there is already an existing legal non-complying enclosed vestibule and uncovered porch at the location of the proposed addition, there will be minimal changes to grading or drainage. The requested variances for a reduced front yard setback meet the general intent and purpose of both Zoning By-laws.

### **Variance C**

The variances requested would permit a minimum side yard setback of 1.03 metres for the existing porch and existing dwelling, whereas Table 5.1.2 Row 7 of the 1995 Zoning By-law requires a minimum side yard setback of 1.5 metres. The intent of this provision is to ensure adequate separation between dwellings on residential lots. As 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 St., the addition will maintain adequate separation between dwellings. Staff are satisfied that the intent of the minimum side yard setback for

the enclosed porch and existing dwelling in both the 1995 and 2023 Zoning By-law is maintained.

### **Variations D and E**

The intent of the required side yard setbacks is to ensure adequate separation between detached dwellings for privacy, rear yard access and proper lot grading and drainage. The property is located in an older neighbourhood where reduced setbacks are common. The existing dwelling maintains a 1.03 metre left (eastern) side yard setback, the proposed two storey addition has a left side yard setback of 1.21 metres, and the proposed two storey garage has a right-side yard setback of 1.21 metres. The proposed two storey addition is an improvement from the existing setback and will also comply with the 2023 Comprehensive Zoning Bylaw side yard setback requirements. For these reasons, staff is of the opinion that the proposed variations related to side yard setbacks are minor in nature and maintain the general intent and purpose of the Zoning By-law.

The proposal is desirable as the two-storey addition is compatible with the surrounding built-form and whose development is a natural extension of the existing dwelling. The requested variations meet the general intent and purpose of the Official Plan and both Zoning By-laws, are desirable for the appropriate development and use of the land and are minor in nature. Staff recommend approval of the application subject to the above noted condition.

### **Engineering Services**

Engineering has no concerns with the requested variations. 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 extend the enclosed front porch along the left side of the front face of the house and a garage addition to the rear right side of the house, which require side yard setback variations to the 1995 ZBL and a front yard setback variance to both the 1995 and 2023 zoning by-laws.

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 (but greater than 0.6m) 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 application and supports Planning's recommendation.

## **Grand River Conservation Authority (GRCA)**

Please see attached correspondence from the Grand River Conservation Authority (GRCA).

## **Comments from the Public**

Yes (see attached)

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## **Contact Information**

**Committee of Adjustment:** City Hall, 1 Carden Street, Guelph ON N1H 3A1

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