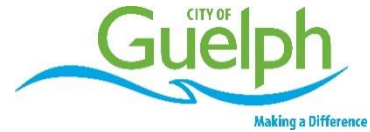


Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-86/23
Location: 35 Hillcrest Drive
Hearing Date: January 11, 2024
(deferred at the December 14, 2023 hearing)
Owner: Paul Sixsmith and Helen McAuliffe
Agent: Lloyd Grinham, L. Alan Grinham Architect Inc.
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 property is located in the Residential Single Detached (R.1B) Zone. Variances from Table 5.1.2 Row 6, Section 5.1.2.7 i), and Section 5.1.2.4 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 setback of 6 metres or the average of the setbacks of the adjacent properties [being 5.15 metres]; and
- b) that buildings or structures located on through lots shall have a setback the same as the nearest adjacent main building [being 17.44 metres].

Zoning By-Law (2023)-20790 Requirements:

The property is also located in the Low Density Residential 1 (RL.1) Zone. Variances from Table 6.3 of Zoning By-law (2023)-20790, as amended, are being requested. The By-law requires:

- a) 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; and
- b) that where buildings or structures are located on a through lot, the setback shall be a minimum of the average of the setbacks of the adjacent properties [being 16.56 metres].

Request:

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

- a) a minimum front yard setback of 4.67 metres for the proposed addition to the front of the existing dwelling; and
- b) a minimum rear yard setback of 3.06 metres for the proposed additions at the rear of the existing dwelling.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Planning Services

1. That the pool room labeled as "Proposed Addition #3" shall only be designed and used for the proposed indoor pool use.
2. That the height and footprint of the proposed addition be constructed in general accordance with the public notice sketch.

Engineering Services

3. That the applicant submits a proposed grading and drainage plan that has been designed in accordance with the Development Engineering Manual, to the satisfaction of the General Manager/City Engineer.
 4. That the applicant submits a stormwater management brief that has been designed in accordance with the Development Engineering Manual, to the satisfaction of the General Manager/City Engineer.
 5. That the applicant submits a site servicing plan, to the satisfaction of the General Manager/City Engineer if servicing upgrades are required, or if existing services are proposed to be moved within the right-of-way.
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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 associated accessory structures. As the proposed use is 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 1" (RL.1) in the 2023 Comprehensive Zoning By-law. As the subject lands have frontage on both Hillcrest Drive and Grove Street, the average of the setbacks of the adjacent properties is the required setback for the front yard along Hillcrest Drive (Being 5.15 metres). The 1995 Zoning By-law requires the rear yard setback to be the same as the nearest adjacent main dwelling (Being 17.44 metres). The

2023 Zoning By-law requires the rear yard setback to be a minimum of the average of the setbacks of the adjacent properties (Being 16.56 metres).

Variance A requests a reduced front yard setback of 4.67 metres to facilitate the construction of a small, enclosed addition. A covered carport and unenclosed porch are also proposed in the front yard and do not require any variances.

Variance B requests a reduced rear yard setback of 3.06 metres to facilitate the construction of an additional room along the western side of the rear yard, as well as an enclosed attached swimming pool. These are labeled as "proposed addition #2" and "proposed addition #3" on the applicant's site plan respectively.

Variance A

The intent of the required front yard setback of 5.15 metres is to ensure that new construction in the front yard does not have a significant impact on neighbouring properties and is not substantially out of character compared to nearby dwellings. The proposed front yard addition would have a setback of 4.67 metres to the front lot line. It would be one storey in height and would not cover the full width of the dwelling. The proposed addition would exceed the front yard setback of the neighbouring dwelling at 31 Hillcrest Drive. For these reasons, staff consider Variance A to conform with the general intent of both the 1995 and 2023 Zoning By-laws.

The proposed front yard addition would cover approximately 23.8% of the width of the existing dwelling, exceeds the front yard setback of the neighbouring dwelling at 31 Hillcrest Drive, and would be partially shielded from Hillcrest Drive by existing landscaping. Staff are of the opinion that variance A is desirable for the development of the property and minor in nature.

Variance B

The intent of the required rear yard setback provisions for through lots is to ensure that new construction does not have a significant negative impact on neighbouring properties or the abutting street to the rear (Grove Street). The proposed rear yard addition consists of an additional room attached to the existing walkout basement with a rooftop balcony, labeled as "proposed addition #2" and an enclosed attached swimming pool labeled as "proposed addition #3" on the applicant's site plan. Proposed addition #2 would have a rear yard setback of approximately 9.7 metres, while proposed addition #3 would have a rear yard setback of 3.06 metres at its closest point. Both additions would maintain side yard setbacks of at least 1.5 metres.

Between the rear lot line and the curb of Grove Street is an approximately 4.1 metre wide grassy sloped boulevard. Taking this into consideration, the proposed pool room would be situated approximately 7.1 metres from Grove Street at its nearest point. For comparison, dwellings on the far side of Grove Street maintain very minimal setbacks to Grove Street. The front wall of the dwelling directly across Grove Street is approximately 2.5 metres from the street curb.

To mitigate the impact of the proposed additions, the proposal has been designed to be no more than one storey in height and roughly follow the existing slope of the

property. As a result the roofline of the pool room is roughly in line with the roofline of the dwelling across Grove Street, and is considerably lower than the roofline of the existing main dwelling on the site, or the neighbouring dwellings at 31 and 37 Hillcrest Drive. In addition, a green roof is proposed over most of proposed addition #3 and a portion of proposed addition #2. This will reduce the volume and speed of runoff onto Grove Street.

Taking these factors into consideration staff are of the opinion that the proposal conforms with the general intent of both the 1995 and 2023 Zoning By-laws.

While the proposed variance represents a significant numerical reduction in the minimum required rear yard setback, the design of the proposed addition greatly mitigates the impact on neighbouring the neighbouring properties, and the properties on the far side of Grove Street. The slope of the roofline as the addition approaches Grove Street and the proposed green roof will allow the addition to fit in with the existing character of the neighbourhood. For these reasons staff are satisfied that the proposal is desirable for the appropriate development of the property and is minor in nature provided that the pool room labeled as proposed addition #3 remain as an indoor amenity space and not be converted into dwelling space.

In the opinion of planning staff, the requested variances meet the general intent and purpose of the Official Plan and both Zoning By-laws, are desirable for the appropriate development of the lands and are minor in nature. Staff recommend approval of the application subject to the above noted conditions.

Engineering Services

Engineering has reviewed the requested variances and recommends that the above noted conditions be applied to the variance application.

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 lot is considered a through lot as there are rights-of-way at both ends of the property.

The applicant is proposing two additions to the rear of the existing dwelling and a one storey addition to the front of the dwelling together with a new covered porch and an extension of the carport towards Hillcrest Dr. Addition #2 is an addition to the dwelling with a proposed 6.248m setback to the property line abutting Grove St. Addition #3 is an attached proposed indoor pool area with a 3.06m minimum setback to the rear property line. Zoning supports a condition that addition #3 for the pool to be only for the purpose of an indoor pool, as it is replacing outdoor amenity area.

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

Building Services has no objection to the requested variances and supports Planning and Engineering recommendations.

Metrolinx

See attached correspondence from Metrolinx.

Comments from the Public

Yes (see attached)

Contact Information

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