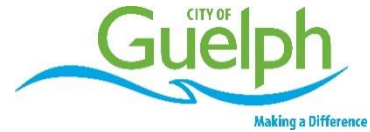


# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number:	A-2/24
Location:	1 Yorkshire Street South
Hearing Date:	January 11, 2024
Owner:	Marko Barakoski
Agent:	Odete Gomes, Arcadis Professional Services Canada, and Dave Neill
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), Table 5.1.2 Row 7 and Section 4.5.1.2 of Zoning By-law (1995)-14864, as amended, are being requested. The By-law requires in the R.1B Zone:

- 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 0.31 metres];
- b) a minimum side yard setback of 1.5 metres; and
- c) that an accessory building or structure is not located within 0.6 metres of any lot line.

### **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 and Section 4.5.1 b)(ii) of Zoning By-law (2023)-20790, as amended, are being requested. The By-law requires in the RL.1 Zone:

- 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 where there is only one immediately adjacent lot, the minimum setback shall be 6 metres;
- b) a minimum interior side yard setback of 1.5 metres; and
- c) that an accessory building or structure is setback a minimum of 0.6 metres from any lot line.

**Request:**

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

- a) a minimum front yard setback of 2 metres for the proposed new detached dwelling;
- b) a minimum right side yard setback of 0.47 metres for the proposed new detached dwelling; and
- c) a minimum left side yard setback of 0.1 metres for the existing accessory

**Please note that an incorrect Site Survey was submitted as part of the original application package. The correct Site Survey has been submitted by the applicant and is attached to this document.**

**Staff Recommendation****Approval with Conditions**

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**Recommended Conditions****Planning Services**

- 1. That the proponent enter into an Infill Adjacent Development Agreement with Metrolinx.
- 2. That the proposed dwelling be constructed in general accordance with the public notice sketch.

**Building Services**

- 3. That an Access and Maintenance Agreement be entered into with the neighbouring property owner (Metrolinx) to the satisfaction of the Chief Building Official. The agreement shall contain provisions to permit access for the owner of 1 Yorkshire Street South onto the Metrolinx lands to allow for maintenance and construction of the right side of the building.

**Alectra Utilities**

- 4. That prior to issuance of a building permit, the applicant makes arrangement for provision of hydro servicing to the parcel, satisfactory to the ICI and Layouts Department of Alectra Utilities. The servicing costs would be at the applicant's expense.
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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. 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. Three variances are requested for both Zoning By-laws.

Variance A requests a reduced minimum front yard setback of 2 metres whereas both by-laws require a minimum front yard setback of 6 metres.

Variance B requests a reduced minimum north side yard setback of 0.47 metres for the proposed two-storey dwelling whereas both by-laws require a minimum side yard setback of 1.5 metres.

Variance C requests a reduced side yard setback of 0.1 metres for the existing accessory structure (shed) whereas both by-laws require a minimum side yard setback of 0.6 metres. No alteration is proposed to the existing shed.

### **Variance A**

The intent of the required front yard setback is to ensure that dwellings are set back an adequate distance from the street and to maintain a consistent street line. The existing dwelling at 1 Yorkshire Street South maintains a front yard setback of approximately 0.39 metres. The neighbouring property at 3 Yorkshire Street South maintains a front yard setback of approximately 0.22 metres. The nearby properties at 5 Yorkshire Street South, 33 Preston Street, and 2 Yorkshire Street North maintain similar setbacks to the Yorkshire Street right-of-way. A grassy boulevard approximately 8 metres in width exists between the front lot line and the curb of Yorkshire Street South that mitigates the impact of the reduced setbacks. For these reasons, staff are satisfied that the front yard setback of 2 metres for the proposed new dwelling conforms with the general intent of the Zoning By-law.

As the setback is improved by 1.61 metres staff are of the opinion that the proposed variances are desirable for the appropriate development of the property and is minor in nature.

### **Variance B**

The intent of the required 1.5 metre side yard setback for main dwellings is to preserve privacy, allow for maintenance of the dwelling, and ensure adequate separation between structures on neighbouring lots. The existing structure on the subject property maintains a north side yard setback of 0.21 metres and abuts Metrolinx's Guelph subdivision rail corridor. The proposed two storey dwelling would improve the north side yard setback to 0.47 metres. Comments have been received from Metrolinx indicating that they are not opposed to the proposed development provided that the owner enters into an Infill Adjacent Development Agreement with Metrolinx, as an adequate safety barrier is not feasible for this site.

Considering the reduced side yard setback wouldn't impact any other neighbouring property, staff are satisfied that the proposed variances conform with the general intent of both Zoning By-laws provided that the owner enters into an Infill Adjacent Development Agreement with Metrolinx.

As the proposed setback of 0.47 metres improves upon the existing side yard setback and would not impact any neighbouring dwellings, staff are satisfied that the proposed variances are desirable for the appropriate development of the property and minor in nature provided that the owner enters into an Infill Adjacent Development Agreement with Metrolinx.

### **Variance C**

The intent of the required 0.6 metre side yard setback for accessory structures is to ensure adequate separation between structures on neighbouring lots, and to ensure that runoff does not impact the neighbouring properties. As the existing wooden shed with a side yard setback of 0.1 metres has existed for many years and is not being altered, staff are satisfied that the proposal to recognize the side yard setback of the existing structure conforms with the intent of the Zoning By-law. Provided that any future accessory structure complies with the required 0.6 metre side and rear yard setbacks, staff are satisfied that the proposal to recognize the existing shed's side yard setback of 0.1 metres is desirable for the appropriate development of the property and is minor in nature.

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 note that comments and three requested conditions regarding an Infill Adjacent Development Agreement, an Environmental easement, and a warning clause were received from Metrolinx.

Staff recommend approval of the application subject to the conditions noted at the top of the report, including the condition requesting an Infill Adjacent Development Agreement.

### **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 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 property is also with Defined Area Map 66, which is a boundary of the older built-up area of the city which surrounds downtown where many structures were built prior to zoning by-laws being created and do not meet current requirements. The applicant is proposing a new two storey dwelling on a similar footprint of the existing dwelling and to recognize existing setbacks of an accessory structure.

As the proposed dwelling right side yard setback is less than 0.6 metres, an Access Agreement registered on title of the neighbouring property owner (Metrolinx) will be required with the building permit. The agreement shall contain provisions to

permit access for the owner of 1 Yorkshire Street South onto the Metrolinx lands to allow for maintenance and construction of the right side of the dwelling.

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 non-combustible cladding. A building permit is required prior to the construction of the new dwelling, at which time requirements under the Ontario Building Code will be reviewed. All Metrolinx agreements and permits will need to be submitted with the Building Permit Application.

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

### **Alectra Utilities**

Please see attached correspondence from Alectra Utilities.

### **Metrolinx**

Please see attached correspondence from Metrolinx.

### **Comments from the Public**

None

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### **Contact Information**

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

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