

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number:	A-4/24
Location:	22 Neeve Street
Hearing Date:	January 11, 2024
Owner:	Phillip and Brynley Teri
Agent:	N/A
Official Plan Designation:	Mixed Use 2
Zoning Designation (1995)-14864:	Downtown 2 (D.2) Zone
Zoning Designation (2023)-20790:	Downtown 2 (D.2) 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 building.

Staff Recommendation**Deferral**

Comments**Planning Services**

The subject property is designated "Mixed Use 2" under the Downtown Secondary Plan. Mixed Use 2 areas include areas that were historically residential that have evolved to accommodate a range of uses, many in partially or fully converted houses. To maintain the character of the Mixed Use 2 areas, building types and tenures in an urban village-type setting should be affordable and accessible while allowing people to remain within the same neighbourhood as their needs change. Staff are of the opinion that the requested variance is in alignment with the above principle of Section 11.2.1.2 in the Official Plan and meets the general intent and purpose of the Downtown Secondary Plan.

The subject property is zoned "Downtown 2" (D.2) according to Zoning By-law (1995)-14864, as amended; and are zoned "Downtown 2" (D.2) in the Comprehensive Zoning By-law passed by Council on April 18, 2023. The D.2 zone permits single detached dwellings. The applicant is proposing to construct a two-storey addition including an attached garage at the rear of the existing dwelling and remove the existing detached garage on the property. The requested variances will permit the construction of a two-storey addition and attached garage on the subject lands.

The proposed building has a non-complying rear setback of 7.28 metres. A variance from Table 6.3.2.8 Row 3 of Zoning By-law (1995)-14864 is being requested, and Table 9.6 of Zoning By-law (2023)-20790 is being requested. Both By-laws require a minimum rear setback of 10.0 metres. The requested variances would address the minimum rear setback requirements for the proposed addition and attached garage. The general intent and purpose of these provisions are to maintain a rear yard amenity area and to ensure the property is not overdeveloped. The existing single detached dwelling has a rear yard setback of 13.56 metres. The proposed addition of approximately 64 square metres is limited in size to avoid overdevelopment and maintains outdoor amenity area in the rear yard. The existing non-complying garage is proposed to be demolished and in doing so will maintain

the outdoor amenity area in the rear yard. The requested variance is considered to meet 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

Staff note that a variance for a reduced exterior side yard setback of 2 metres to the lot line abutting Surrey Street East where 3 metres is required for the proposed addition is also required but was not requested. Even if the proposed rear yard setback reduction were approved, a building permit could not be issued until the non-compliant exterior side yard setback is addressed. For this reason, Planning staff recommend deferral of the application to allow the applicant to address the non-compliant exterior side yard setback.

Heritage Planning

The subject property is listed on the Municipal Register of Cultural Heritage Properties and is considered a significant built heritage resource in the City of Guelph. Heritage staff have no concerns with the requested variances.

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 Downtown 2 (D.2) under Zoning By-law (1995)-14864, as amended and Council approved Comprehensive Zoning By-law (2023)-2079, as amended. Both zones permit a single detached dwelling and require a minimum 10 metre rear yard setback. The applicant is proposing an addition to the dwelling with a proposed rear yard of 7.28 metres.

The applicant is also proposing a 2.08m exterior side yard setback. The 1995 Zoning By-law, Table 6.3.2.8 Row 1 states the minimum front yard or exterior side yard shall be the average of the setbacks of the adjacent properties but in no case shall be less than 3 metres. The Comprehensive Zoning By-law, Table 9.6 states the minimum front yard or exterior side yard shall be the average of the setbacks of the adjacent property or where the average of the setbacks of the adjacent properties cannot be determined, the minimum setback shall be 3 meters.

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

Building Services has no concerns with the requested variance but notes an additional variance is required and supports Planning's and Engineering's recommendations.

Metrolinx

Please see attached correspondence from Metrolinx.

Comments from the Public

None

Contact Information

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