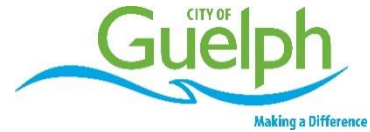


Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-8/24
Location: 93 Hayes Avenue
Hearing Date: January 11, 2024
Owner: David Ing
Agent: Bill Birdsell, J. William Birdsell, Architect
Official Plan Designation: Low Density Residential
Zoning Designation (1995)-14864: Specialized Residential Single Detached (R.1C-3) 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.1C-3) Zone. Variances from Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, are being requested. The By-law requires a minimum side yard setback of 1.2 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 a minimum interior side yard setback of 1.2 metres on one side of the dwelling unit and a minimum of 0.6 metres on the other side.

Request:

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

- a) a minimum left side yard setback of 0.6 metres for the proposed new detached dwelling; and
- b) a minimum right side yard setback of 0.92 metres for the proposed new detached dwelling.

The applicant is also seeking relief from the requirements of Zoning By-law (2023)-20790, as amended, to permit a minimum right side yard setback of 0.92 metres for the proposed new detached dwelling.

Staff Recommendation

Approval with Condition

Recommended Conditions

Alectra Utilities

1. 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 and additional dwelling units (ADUs). 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 "Specialized Residential Single Detached" (R.1C-3) according to Zoning By-law (1995)-14864, as amended; and is zoned "Low Density Residential 2" (RL.2) in the 2023 Comprehensive Zoning By-law.

Table 5.1.2 Row 7 of the 1995 Zoning By-law requires a minimum side yard setback of 1.2 metres on each side for single detached dwellings in the R.1C-3 Zone. Table 6.3 Row C of the 2023 Zoning By-law requires an interior side yard setback of 1.2 metres on one side, and 0.6 metres on the other side in the RL.2 Zone. As the side yard setbacks for the proposed detached dwelling are 0.92 metres on the north side and 0.6 metres on the south side, a variance to reduce the minimum required north side yard setback is required in the 1995 and 2023 Zoning By-laws, and variances to reduce the minimum required south side yard setback is required for the 1995 Zoning By-law only.

Staff note that the submitted site plan appears to show a basement stairwell located in the rear yard of the property. Table 4.7 Row 12 of the 1995 Zoning By-law and Table 4.1 Row 7 of the 2023 Zoning By-law permits exterior stairs to have a maximum projection of 1.5 metres into the required rear yard setback of 6.2 metres for this site. The stairs do not appear to meet this provision, and Planning staff have raised this concern with the applicant during a pre-consultation meeting. If the applicant wishes to proceed with the construction of these stairs, they will have to request deferral of this application so the exterior stair variance can be added, or submit an additional variance application.

The intent of the required side yard setback provisions is to ensure there is adequate separation between dwellings, and to provide reasonable privacy for the

occupant and neighbouring properties. The subject lands are in an older neighbourhood where historically buildings have been constructed closer to the side lot line than the required 1.2 metres. The impacts of the proposed north side yard setback would be mitigated, as no windows facing the neighbouring property are proposed. The impacts of the proposed south side yard setback are mitigated, as the neighbouring property to the south is a vacant City-owned lot for existing servicing infrastructure located below grade. The lot to the south remains undevelopable as long as the existing servicing infrastructure remains in use. For these reasons staff are satisfied that the proposed side yard setbacks conform with the intent of both the 1995 and 2023 Zoning By-laws.

The subject lot has a narrow frontage of 7.62 metres and has existed as a vacant lot for many years. The proposed side yard setbacks would allow for a reasonably sized detached dwelling to be constructed on the site while mitigating the impacts on the neighbouring properties. Staff are of the opinion that the proposal is desirable for the 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 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.

Building Services

The subject property is zoned Specialized Residential Single Detached (R.1C-3) 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 a new dwelling on an existing lot with a 7.62m frontage and an area of 236 square metres. Left and right side yard variances are being requested for the dwelling.

Exterior stairs are shown on the drawings which project 4.06 metres from the rear of the dwelling into the rear yard. The 2023 Comprehensive Zoning By-law, Table 4.1, Row 7 and the 1995 Zoning By-law, Table 4.1 Row 12, permits a maximum projection of 1.5m into the required rear yard for exterior stairs. The required rear yard for this property is 6.2 metres, so any exterior stairs would require a 4.7m setback from the rear lot line to meet the permitted maximum projection of 1.5 metres. This variance was not requested by the applicant.

A Limiting Distance Agreement requested by the applicant to permit windows on the side of the building adjacent to the City lands can be completed during the Building Permit Application process. 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 1.2 metres 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.

Building Services has no objection to the requested side yard setback variances and supports Planning and Engineering recommendations. The applicant has the option of deferring the application to address any desired exterior stair variance.

Grand River Conservation Authority (GRCA)

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

Alectra Utilities

See attached correspondence from Alectra Utilities.

Comments from the Public

Yes (see attached)

Contact Information

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