

# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: A-54/20  
Location: 63 Durham Street  
Hearing Date: December 10, 2020  
Owner: 2778582 Ontario Limited  
Agent: Jeff Buisman, Van Harten Surveying Inc.  
Official Plan Designation: Low Density Residential  
Zoning: Residential Single Detached (R.1B)

**Request:** The applicant is seeking relief from the By-Law requirements to permit:

- a) a minimum left side yard setback of 0.77 metres for the proposed second storey addition and the proposed rear covered deck;
- b) a minimum right side yard setback of 0.6 metres for the proposed attached garage and second storey addition;
- c) the proposed open, roofed porch to have a minimum setback of 0.4 metres from the front lot line; and
- d) the interior parking space within the proposed garage to have a minimum width of 2.9 metres.

**By-Law Requirements:** The By-Law requires:

- a) a minimum side yard setback of 1.5 metres for single detached dwellings of one to 2 storeys;
- b) a minimum setback of 2 metres from the front lot line for an open, roofed porch not exceeding one storey in height; and
- c) that the minimum parking space dimensions for single detached dwellings are 3 metres by 6 metres within a garage or carport.

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## Staff Recommendation

**Deferral**

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## Recommended Conditions

**None**

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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 residential dwellings. The requested variances to permit a two storey addition with an attached garage and open, roofed front porch which will have reduced side yard and front yard setbacks does not conflict with the general intent and purpose of the residential policies of the Official Plan.

The property is listed as a non-designated built heritage resource on the City of Guelph's Municipal Register of Cultural Heritage Properties. Objectives of Section 4.8 of the Official Plan strive to:

- Maintain and celebrate the heritage character of the city, including built heritage resources.
- Ensure that all new development, site alteration, building alteration and additions are contextually appropriate and maintain the integrity of all in situ cultural heritage resources.
- To promote and foster the preservation, rehabilitation and adaptive re-use or restoration of built heritage resources.

Section 4.8.5 of the Official Plan outlines policies relating to development applications for listed properties which include:

- Built heritage resources and cultural heritage landscapes that have been listed in the Heritage Register shall be considered for conservation in development applications initiated under the Planning Act, unless the applicant demonstrates to Council in consultation with Heritage Guelph, through a Cultural Heritage Resource Impact Assessment, Scoped Cultural Heritage Resource Impact Assessment or Cultural Heritage Review, that the built heritage resource or cultural heritage landscape is not of cultural heritage value or interest and, therefore, does not meet the criteria for designation under the Ontario Heritage Act.
- Where a non-designated built heritage resource or cultural heritage landscape is listed in the Heritage Register, the City may require, as a condition of approval of a development application under the Planning Act, a building permit, a partial demolition or change of use, that the proponent enter into agreements to conserve and/or permit to be designated, by the City, in consultation with Heritage Guelph, the built heritage resource or cultural heritage landscape.

It is noted the applicant has not consulted with the Senior Heritage Planner or the Heritage Committee regarding the proposed addition to the cultural heritage resource. Planning staff defers to the Senior Heritage Planner for any conditions of development relating to the Official Plan policies outlined above.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended, which permits a single detached dwelling. The applicant is proposing an addition to the existing one storey dwelling

including a roofed front porch, a second storey addition, an attached garage and a covered deck in the rear yard. Four variances are requested to facilitate the addition which include a reduction of the right and left side yard setbacks, a front yard setback variance to accommodate an open, roofed front porch and a reduction to the required width of an enclosed parking space.

The applicant's proposed construction of a two storey addition will have a side yard setback on the left side of the property of 0.77 metres and a right side yard setback of 0.60 metres, whereas the by-law requires side yard setbacks of 1.5 metres for the two storey dwelling. The general intent and purpose of the Zoning By-Law in requiring side yard setbacks is to provide adequate separation from buildings on adjacent properties in proportion to the building's height, to maintain access and to allow for proper lot grading and drainage.

The left side of the property is an existing setback of the one storey dwelling. The dwelling currently does not have a garage and the right side yard is used as the legal parking space for the property. The new attached garage satisfies the legal parking space requirement for the dwelling. There are no concerns relating to the function of the garage interior parking space with a reduction in width from the required of 3 metres to a permit 2.9 metre width.

The applicant is also proposing to construct an open, roofed front porch onto the dwelling which will have a setback of 0.4 metres from the front yard property line; whereas, the by-law requires a 2 metre setback from the front property line for an open, roofed front porch.

The general intent and purpose of the Zoning By-law in requiring a 2 metre setback for open, roofed porches is to provide built form consistency on a streetscape. The proposed porch is in keeping with the character of the streetscape of the older built-up neighbourhood.

The proposed addition is in suitable proportion and placing on the property which is in the older built-up area of the City and is in keeping with the character of the streetscape, though the addition will significantly impact the heritage attributes of the listed 1880's yellow brick cottage built heritage resource.

The requested variances maintain the general intent and purpose of the Official Plan and Zoning By-law, are considered desirable for the development of the land and are considered to be minor in nature.

Due to the servicing issue identified by Engineering staff, Planning staff support the deferral recommendation for the application.

### **Engineering Services**

The City records from 1905 reveal that 48 Glasgow Street North is serviced for sanitary sewer from 63 Durham Street. We ask the agent (Van Harten Surveying Inc.) to investigate and confirm the exact location of the sanitary sewer lateral. This may cause the proposal to change significantly.

Engineering is recommending deferral and requests Van Harten Surveying Inc. to contact Engineering Services to discuss the existing servicing further.

## Heritage Planning

63 Durham Street is listed as a non-designated built heritage resource on the City of Guelph's Municipal Register of Cultural Heritage Properties. Listing properties on the heritage register only gives the municipality interim control over proposed demolitions. Currently under the Ontario Heritage Act, alterations that don't involve demolition can only be controlled if the property is protected by an individual designation by-law or a heritage conservation district by-law. In the case of what is currently being proposed for 63 Durham Street all that Heritage Planning staff can provide is advice as to how this major alteration can be mitigated so that as many of the heritage attributes of the built heritage resource might be retained and conserved.

The single-storey cottage was built about 1880 in yellow brick and although the height of many of the older nearby dwellings on Durham Street are 2 to 3-storeys, the cottage at 63 Durham Street is one of the older houses on the street and contributes to the diverse heritage character of the Durham Street streetscape. The heritage register record refers to this building as a 3-bay cottage but there is no specific reference to the single-storey height as named heritage attribute. The medium pitch hip roof is a typical roof type for the later Victorian era. The record names the front door transom and segmental arch front windows as significant features or heritage attributes.

From a heritage conservation perspective, the proposed addition and variances are not desirable and not minor. Heritage Planning staff recommend that Committee of Adjustment encourage the proponent to consider the following revisions to their proposed design:

- consider retaining the original single-storey height by expanding the floor space to the rear and/or sides with a roof height no higher than the ridge of the original cottage.
- if a second-storey is deemed necessary, use a hip roof with a medium pitch for the main roof of the second floor addition to respect the cottage's original form.
- avoid designing a second storey that has larger proportions than the original cottage below (e.g. upper floor windows should not be larger than those of the ground floor).
- the front elevation needs to accurately portray the actual building features of the existing cottage (e.g. the arched heads of the front door transom and front windows).
- if the windows are original wood sashes it is recommended they be retained and repaired; replacement window sashes should have pane arrangements in keeping with the original (or previous) windows (e.g. 1-over-1 or 2-over-2, vertically-oriented window panes).
- consider actual wood board and batten cladding for the upper floor.
- a flat roof front porch is not in keeping with the heritage character of the house; consider a low hip roof front porch or a front gable porch as has been previously on this house.

- a photograph from the Couling Architectural Inventory (taken in 1974) shows the former front porch and that wooden corbels that supported the soffits.



### **Building Services**

The property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to construct a second storey addition onto the existing one storey detached dwelling, as well as construct a single-car attached garage to the right side and a covered deck to the rear of the existing dwelling. A roofed porch is also proposed at the front of the dwelling. Variances from Table 5.1.2 Row 7, Table 4.7 Row 3, and Section 4.13.3.2.2 of Zoning By-law (1995)-14864, as amended, are being requested.

Building Services does not object to this application. A building permit will be required prior to any construction, at which time requirements under the Ontario Building Code will be reviewed.

Building Services does agree with the deferral recommendation from Engineering.

### **Alectra Utilities**

Alectra has reviewed this application scheduled for the December 10, 2020 hearing and wishes to submit the condition noted below for the Committee's consideration should the Committee approve the application:

1. That prior to issuance of a building permit, the applicant makes arrangements with the ICI & Layouts Department of Alectra Utilities for the possible relocation of the existing overhead hydro service. This would be at the applicant's expense. If a service upgrade is required, applicant must make arrangements with the ICI & Layouts Department of Alectra Utilities.

### **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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