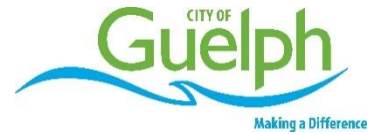


# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: A-36/20  
Location: 37 Arthur Street North  
Hearing Date: August 13, 2020  
Owner: Ashlee Cooper  
Agent: N/A  
Official Plan Designation: Low Density Residential  
Zoning: Residential Single Detached (R.1B) Zone

**Request:** The applicant is seeking permission to enlarge/extend the legal non-conforming use to permit two (2) dormers to be constructed on the second storey of the existing semi-detached dwelling unit.

**By-Law Requirements:** The property contains a semi-detached dwelling, which is considered to be a legal non-conforming use in the Residential Single Detached (R.1B) Zone. Any additions or changes to a property which is legal non-conforming requires the prior approval of the Committee of Adjustment.

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## Staff Recommendation

### Approval

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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 permits a range of housing types including single detached and semi-detached dwellings. The requested variance meets the general intent and purpose of the Official Plan.

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 to construct two (2) dormers on the roof of the second storey of an existing semi-detached dwelling. The semi-detached dwelling is

considered to be a legal non-conforming use in the R.1B Zone. Section 2.5.3.3 of the Zoning By-law prevents the strengthening or renovation of a building that alters the size, height or volume of a legal non-conforming building. The dormers are proposed to be constructed on the second storey, within the existing building envelope and will not increase the floor area of the dwelling.

Policy 10.10.3(2) of the Official Plan provides direction for reviewing applications concerning legal non-conforming uses. The Official Plan states:

"In reviewing an application concerning a legal non-conforming use, property, building or structure, the Committee of Adjustment will consider the matters outlined in Section 10.10.2 of this Plan, with necessary modifications as well as the requirements of the Planning Act, to evaluate the appropriateness of a development proposal and the use of property. In addition, the following matters shall be considered:

- i) that the use has been continuous;
- ii) that the extension/enlargement is situated only on the property owned by the development proponent;
- iii) that no new separate buildings will be permitted; and,
- iv) that the proposed use is similar or more compatible with the uses permitted by the Zoning By-law in effect."

Staff have reviewed the above criteria and are satisfied that the proposal to enlarge/extend the legal non-conforming use is appropriate for the development of the lands.

The requested variance to permit two new dormers on a legal non-conforming semi-detached dwelling is considered to meet the general intent and purpose of the Zoning By-law and Official Plan, is considered to be desirable for the appropriate development of the land and to be minor in nature.

Planning staff recommend approval of the application.

### **Engineering Services**

Engineering has no concerns with the request of seeking permission from the Zoning By-law to enlarge/extend the legal non-conforming use to permit two (2) dormers to be constructed on the second storey of the existing semi-detached dwelling unit.

We agree with recommendations made by the Planning and Building staff.

### **Building Services**

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to construct two (2) dormers on the roof of the second storey of the existing semi-detached dwelling unit. The property contains a semi-detached dwelling, which is considered to be a legal non-conforming use in the Residential Single Detached (R.1B) Zone.

Building Services does not object to this application to enlarge/extend the legal non-conforming use to permit two (2) dormers to be constructed on the second storey of the existing semi-detached dwelling unit.

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

## **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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