

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-72/17
LOCATION: 50 Norwich Street West
DATE AND TIME OF HEARING: November 9, 2017 at 4:00pm
OWNER: Julie and Andrew Goodwin
AGENT: N/A
OFFICIAL PLAN DESIGNATION: Low Density Residential
ZONING: Residential Single Detached (R.1B)

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| REQUEST: | The applicant is seeking relief from the By-law requirements to permit a rear yard setback of 1.28 metres for the proposed sunroom. |
| BY-LAW REQUIREMENTS: | The By-law requires a minimum rear yard setback of 7.5 metres or 20% of the lot depth [being 3.13 metres], whichever is lesser. |
| STAFF RECOMMENDATION: | Approval with condition |
| CONDITIONS RECOMMENDED: | |
| <u>PLANNING SERVICES</u> | |
| 1. That the rear yard variance shall only apply to the sunroom addition in the southwest portion of the subject property, as shown in the sketch attached to the Public Notice. | |

COMMENTS

PLANNING SERVICES:

The subject property is designated "Low Density Residential" in the Official Plan. The "Low Density Residential" land use designation permits a range of housing types including: single, semi-detached residential dwellings and multiple unit residential buildings. In addition, the physical character of existing, established low density residential neighbourhoods shall be respected where possible. The variance requested is related to an addition to a single detached residential dwelling and therefore is considered to meet 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. The R.1B Zone requires a minimum rear yard setback of 7.5 metres or 20% of the lot depth, whichever is lesser. For the subject property, 20% of the lot depth is measured at 3.13 metres, making this the minimum required rear yard.

The subject property is a corner lot at the southeast corner of the Norwich Street and Dublin Street intersection. The subject property contains an existing single detached dwelling at a setback of 1.5 metres to the rear lot line. Towards the exterior side yard along Dublin Street in the rear yard of the house is an existing covered deck. The applicant is proposing to modify this

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existing covered deck into an all-season/sun room at a similar setback to the existing house. Specifically, the proposed sun room addition is at a rear yard setback of 1.28 metres.

The Zoning By-law requires a minimum rear yard to ensure residential dwellings are setback from neighbouring dwellings and properties, to afford privacy to the subject and surrounding properties and also to ensure that open space is provided in the rear yard. Considering the setback of the existing house as well as the minimum setback being 20% of the lot depth at 3.13 metres, Planning staff are of the opinion that the general intent and purpose of the Zoning By-law is satisfied.

Planning staff are of the opinion that the proposed sunroom addition is similar to the rear yard setback of the existing single detached dwelling. Considering this, the proposed variance to permit a rear yard setback of 1.28 metres is considered to be minor in nature, and desirable for the appropriate development of the land.

It is recommended that the Committee approve the variance, subject to the above-noted condition.

ENGINEERING SERVICES:

The applicant is seeking relief from the By-law requirements to permit a rear yard setback of 1.28 metres for the proposed sunroom. From an Engineering perspective, we have no concerns.

Accordingly, upon examining Planning staff's comments and recommendations and Zoning staff's comments and recommendations, Engineering staff can support their comments and recommendations for approval.

HERITAGE PLANNING:

Heritage planning staff notifies the Committee of Adjustment that although the subject property (50 Norwich Street West) is not designated under the Ontario Heritage Act, it has been listed as non-designated in the City of Guelph's *Municipal Register of Cultural Heritage Properties* according to Section 27 of the Ontario Heritage Act.

Heritage planning staff have no objection to the variance proposed in application A-72/17 as it does not pose any negative impact on the property's heritage attributes.

Future planning or building permit applications for this property may require review by Heritage Planning staff to determine if such applications would have a negative impact on the heritage attributes of this built heritage resource.

The applicant should be encouraged contact Stephen Robinson, Senior Heritage Planner (519) 837-5616 ext. 2496 for discussion and advice on how the property's heritage attributes may be conserved.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to enclose the existing covered deck to the rear of the existing dwelling. A variance from Table 5.1.2 Row 8 of Zoning By-law (1995)-14864, as amended, is being requested.

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Building Services does not object to this application to permit a rear yard setback of 1.28 metres for the proposed addition.

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

REPORT COMPILED BY: L. Cline, Council Committee Assistant

COMMENTS FROM THE PUBLIC RECEIVED: None

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APPLICATION NUMBER: A-73/17
LOCATION: 1460-1474 Gordon Street
DATE AND TIME OF HEARING: November 9, 2017 at 4:00pm
OWNER: Knoro Developments Ltd.
AGENT: Astrid Clos, Astrid J. Clos Planning Consultants
OFFICIAL PLAN DESIGNATION: Mixed Office/Commercial
ZONING: Specialized Office-Residential (OR-39)

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| REQUEST: | The applicant is seeking relief from the By-law requirements to permit a Retail Establishment as an additional permitted use on the subject property, with a maximum unit size of 250 square metres. |
| BY-LAW REQUIREMENTS: | The By-law permits a variety of uses within the OR-39 Zone, but does not currently permit a Retail Establishment. |
| STAFF RECOMMENDATION: | Approval with conditions |
| CONDITIONS RECOMMENDED: | |
| <u>PLANNING SERVICES</u> | |
| 1. That the total gross floor area for all retail establishment uses on the subject property be limited to 540 square metres. | |
| 2. That an individual retail unit be limited to a maximum gross floor area of 250 square metres. | |

COMMENTS

PLANNING SERVICES:

The subject property is designated "Mixed Office/Commercial" in the Official Plan. Permissible uses within this designation include: convenience commercial and small-scale retail commercial, small-scale office, personal service and detached, semi-detached, townhouses and apartments. The requested variance meets the general intent and purpose of the Official Plan.

The subject property is zoned "Specialized Office-Residential" (OR-39) according to Zoning By-law (1995)-14864, as amended. The "Specialized Office-Residential Zone permits a number of uses but does not specifically permit a retail establishment. Other permitted uses within this zone are compatible with a retail establishment (i.e. restaurant, convenience store, personal service establishment). The requested variance is considered to meet the general purpose and intent of the Zoning By-law.

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The property is currently developed with a mixed-use plaza which contains a variety of uses including residential units on the second floor. 75 parking spaces are provided on site and the requested variance does not require additional parking on site. In order to keep the retail use small-scale, the applicant has requested that the total gross floor area for retail establishment(s) be limited to a maximum of 540 square metres (40% of the total gross floor area of the property, being 1,350 square metres) and also requested that each individual retail unit be limited to a maximum of 250 square metres. The requested variance is considered to be desirable for the appropriate development of the land and minor in nature.

The requested variance is considered to meet the general intent and purpose of the Official Plan and Zoning By-law, is considered to be desirable for the appropriate development of the land and is considered to be minor in nature. Staff recommend approval of the application subject to the above-noted conditions.

ENGINEERING SERVICES:

The applicant is seeking relief from the By-law requirements to permit a Retail Establishment as an additional permitted use on the subject property, with a maximum unit size of 250 square metres. From an Engineering perspective, we have no concerns.

Accordingly, upon examining Planning staff's comments and recommendations and Zoning staff's comments and recommendations, Engineering staff can support their comments and recommendations for approval.

HERITAGE PLANNING:

Heritage Planning staff notifies the Committee of Adjustment that although the subject property (1460-1474 Gordon Street) is not designated under the Ontario Heritage Act, and although it has not been listed as non-designated in the City of Guelph's Municipal Register of Cultural Heritage Properties according to Section 27 of the Ontario Heritage Act, the subject property is adjacent to a protected heritage property. 1453 Gordon Street is protected by heritage designation by-law (2006)-18201. According to the City of Guelph Official Plan and the Provincial Policy Statement (2014) Policy 2.6.3, development and site alteration may be permitted on lands adjacent to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration.

Heritage planning staff have no objection to the variance proposed in application A-37/17 as it does not pose any negative impact on the heritage attributes of the protected heritage property.

The applicant should be encouraged contact Stephen Robinson, Senior Heritage Planner (519) 837-5616 ext. 2496 for discussion and advice on how the property's heritage attributes may be conserved.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Specialized Office-Residential (OR-39) Zone. The applicant is proposing to establish 540 square metres of Retail Establishment use within the existing mixed

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use plaza. In addition, it is also proposed that individual Retail Establishment unit sizes be limited to 250 square metres. A variance from Section 6.5.3.39.1 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this application to permit a Retail Establishment as an additional permitted use on the subject property, with a maximum unit size of 250 square metres.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

COMMENTS FROM THE PUBLIC RECEIVED: None

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APPLICATION NUMBER: A-74/17
LOCATION: 85 Knightswood Boulevard
DATE AND TIME OF HEARING: November 9, 2017 at 4:00pm
OWNER: Kieu-Oanh Nguyen
AGENT: N/A
OFFICIAL PLAN DESIGNATION: Low Density Residential
ZONING: Residential Single Detached (R.1B)

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| REQUEST: | The applicant is seeking relief from the By-law requirements to permit: <ul style="list-style-type: none"> a) the required parking space to be located within 6 metres of the street line and in front of the wall of the main building; and b) a maximum driveway width of 7.5 metres. |
| BY-LAW REQUIREMENTS: | The By-law requires that: <ul style="list-style-type: none"> a) every required parking space shall be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building; and b) a driveway (residential) in a R.1B Zone shall have a maximum width of 6.5 metres. |
| STAFF RECOMMENDATION: | Approval |
| CONDITIONS RECOMMENDED: | N/A |

COMMENTS

PLANNING SERVICES:

The subject property is designated "Low Density Residential" in the Official Plan. The "Low Density Residential" land use designation permits a range of housing types including: single, semi-detached residential dwellings and multiple unit residential buildings. The variance requested is related to an addition to a single detached residential dwelling and therefore is considered to meet 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. Driveways in the R.1B zone are limited in width to a maximum of 6.5 metres, and further, all driveways must be setback a minimum of 6 metres from the street line and be behind the front wall of the main building.

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The subject property is a corner lot at the northeast corner of Knightswood Boulevard and Langside Street. The property currently contains a single detached dwelling, with a driveway accessed off Langside Street. There is no parking area in the front yard of the subject property along Knightswood Boulevard.

Planning staff have reviewed records for the property and note that a driveway has existed in the exterior side yard to Langside Street since at least 1976. In October 1976, a building permit was issued by the City to convert an attached garage in this location to living space, noting the required parking area was to be moved to the rear yard, beside the converted garage. Planning staff are not aware that this relocated parking space was completed following the renovation and conversion of the attached garage to living space.

In addition to the above, Planning staff have also reviewed property records with Zoning staff, and can confirm that a driveway of at least 7.5 metres existed on the subject property since at least 2000. Prior to March 2014, the Zoning By-law permitted driveways in the R.1B zone to be 7.5 metres wide. Since this time, the driveway was slightly widened to exceed 7.5 metres.

Planning staff have no concerns with the proposed variance request to allow the driveway to be a maximum 7.5 metres wide and further to have the parking area be located less than 6 metres from the street line for a number of reasons. Allowing a 7.5 metre wide driveway in the proposed location is reflecting a historical condition for the subject property in that this was always the intended and functional location of the driveway with some parking permitted. Prior to the Zoning By-law being amended in March 2014 to include the provision limiting driveways in the R.1B zone to a maximum 6.5 metres, a 7.5 metre wide driveway was permitted and existed in this location. Second, creating an off-street parking space in the rear yard, beside the house and beyond 6 metres is not a desirable location for parking due to the sloping topography of the rear yard (an incline hill towards the rear property line) and existing mature trees in this area. To make such modifications for a parking area in this location would require at a minimum a retaining wall, mature tree removal and the existing driveway to flare out to permit movements into the rear yard. Third, the actual front yard of the subject property, to Knightswood Boulevard is landscaped and does not have any off-street parking spaces or a driveway. The parking area in the proposed location is non-obtrusive and is accessed off Langside Street – a local road with no other driveways or any front yards to surrounding residential dwellings. There will be little to no negative visual impacts to adjacent properties of having a driveway and parking in the proposed location in the exterior side yard.

Considering the above, the proposed variances to permit a 7.5 metre wide driveway and the parking space to be located within 6 metres of the street line meets the general intent and purpose of the Zoning By-law, is minor in nature, and desirable for the appropriate development of the land. Staff therefore recommend approval of the application.

ENGINEERING SERVICES:

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit the required parking space to be located within 6 metres of the street line and in front of the wall of the main building; and a maximum driveway width of 7.5 metres.

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Accordingly, upon examining Planning staff's comments and recommendations and Zoning staff's comments and recommendations, Engineering staff can support their comments and recommendations for approval.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to reduce the width of the existing driveway, while maintaining its location off Langside Street in front of the existing dwelling on the subject property. Variances from Sections 4.13.2.1 and 4.13.7.2.1 ii) of Zoning By-law (1995)-14864, as amended, are being requested. Building Services does not object to this application to permit:

- a) the required parking space to be located within 6 metres of the street line and in front of the wall of the main building; and
- b) a maximum driveway width of 7.5 metres.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

COMMENTS FROM THE PUBLIC RECEIVED: None

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APPLICATION NUMBER: A-75/17
LOCATION: 35 Milson Crescent
DATE AND TIME OF HEARING: November 9, 2017 at 4:00pm
OWNER: Golam Islam and Preethi Jayanth
AGENT: N/A
OFFICIAL PLAN DESIGNATION: Low Density Residential
ZONING: Residential Single Detached (R.1C)

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| REQUEST: | The applicant is seeking relief from the By-law requirements to permit is seeking relief from the By-law requirements to permit an accessory apartment size of 93.2 square metres, or 27.5% of the total floor area. |
| BY-LAW REQUIREMENTS: | The By-law permits an accessory apartment that does not exceed 45% of the total floor area of the building or a maximum of 80 square metres of floor area, whichever is lesser. |
| STAFF RECOMMENDATION: | Approval |
| CONDITIONS RECOMMENDED: | N/A |

COMMENTS

PLANNING SERVICES:

The subject property is designated "Low Density Residential" in the Official Plan. The "Low Density Residential" land use designation permits a range of housing types including: single, semi-detached residential dwellings and multiple unit residential buildings. The variance requested is for an accessory apartment which is a permissible use in a single detached residential dwelling and as such the requested variance is considered to meet the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1C) according to Zoning By-law (1995)-14864, as amended. An accessory apartment is a permitted use in the R.1C zone subject to meeting the requirements of Section 4.15.1 of the Zoning By-law. Section 4.15.1.5 requires that an accessory apartment not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 m² in floor area, whichever is lesser. The applicant is proposing to construct an accessory apartment in the basement and requires a variance to permit the accessory apartment to have a floor area of 93.2 m². An accessory apartment of this size would occupy 27.5% of the gross floor area of the single detached house.

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The general intent and purpose of the Zoning By-law in requiring a maximum floor area for an accessory unit is to ensure that the unit is clearly subordinate and accessory to the primary use (host unit in the single detached dwelling). The accessory apartment represents approximately 27.5% of the total floor area of the dwelling (including the basement). Based on floor plans submitted by the applicant, the apartment contains one bedroom plus an office, is interconnected to and is smaller than the host dwelling. Therefore, Planning staff are of the opinion that the accessory apartment is subordinate to the host dwelling unit and maintains the general intent and purpose of the Zoning By-law.

The requested variance is considered desirable and minor in nature because the accessory dwelling unit is wholly contained within the dwelling and does not exceed 45% of the total floor area of the building.

The requested variance conforms to the general intent and purpose of the Official Plan and Zoning By-law, is considered desirable for the development of the land and is considered to be minor in nature. Planning staff recommend approval of the application.

ENGINEERING SERVICES:

The applicant is seeking relief from the By-law requirements to permit an accessory apartment size of 93.2 square metres, or 27.5% of the total floor area. From an Engineering perspective, we have no concerns.

Accordingly, upon examining Planning staff's comments and recommendations and Zoning staff's comments and recommendations, Engineering staff can support their comments and recommendations for approval.

PERMIT AND ZONING ADMINISTRATOR:

The property is located in the Residential Single Detached (R.1C) Zone. The applicant is proposing to maintain an existing 93.2 square metre accessory apartment (27.5% of the total floor area) in the basement of the residential dwelling. The By-law requires that an accessory apartment not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 square metres in floor area, whichever is lesser. Building Services does not object to this variance request to permit an accessory apartment with an area of 93.2 square metres in lieu of the permitted 80 square metres. The intent of the regulation is to keep the accessory unit subordinate to the main unit. It has been indicated that proposed accessory apartment will make up 27.5% of the total floor area. Therefore the accessory apartment does appear to remain subordinate to the host dwelling and in compliance with the secondary size check (which does not permit the accessory apartment to exceed 45% of the total floor area of the building).

REPORT COMPILED BY: L. Cline, Council Committee Assistant

COMMENTS FROM THE PUBLIC RECEIVED: None

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APPLICATION NUMBER: A-76/17
LOCATION: 11 Kent Street
DATE AND TIME OF HEARING: November 9, 2017 at 4:00pm
OWNER: Jarrett, Shane and Bonnie Swantek
AGENT: N/A
OFFICIAL PLAN DESIGNATION: Residential 1
ZONING: Residential Single Detached (R.1B)

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| REQUEST: | The applicant is requesting permission to extend/enlarge the legal non-conforming use to permit the proposed addition. |
| BY-LAW REQUIREMENTS: | The property is occupied by a semi-detached dwelling which is considered to be a legal non-conforming use in the R.1B Zone. Any additions or changes to a property which is legal non-conforming requires the prior approval of the Committee of Adjustment. |
| STAFF RECOMMENDATION: | Approval with conditions |
| CONDITIONS RECOMMENDED: | |
| <u>PLANNING SERVICES</u> | |
| | <ol style="list-style-type: none"> 1. That the enclosed porch addition be in the general location as shown in the Public Notice. 2. That the enclosed porch addition be limited to a maximum floor area of 4.5 square metres. 3. That the enclosed porch addition be limited to one-storey in height. |

COMMENTS

PLANNING SERVICES:

The subject property is designated "Residential 1" in in the Downtown Secondary Plan. Lands designated "Residential 1" include portions of broader residential neighbourhoods that extend into Downtown Guelph, and are mostly occupied by low-rise housing forms such as detached and semi-detached houses. The variance requested is related to an addition to a legal non-conforming semi-detached residential dwelling and therefore is considered to meet the general intent and purpose of the Secondary Plan.

The subject property is zoned "Residential Single Detached" (R.1B), according to Zoning By-law (1995)-14864, as amended. The property is occupied by a semi-detached dwelling which is considered to be a legal non-conforming use in the R.1B Zone. Any additions or changes to a property which is legal non-conforming requires approval of the Committee of Adjustment.

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As set out in Section 45(2) of the *Planning Act*, the Committee of Adjustment may (a) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit, (i) the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed.

The Official Plan also sets out criteria to consider when reviewing an extension of a legal non-conforming use in Policy 9.9.9, as follows:

- a) That the use has been continuous;
- b) That the extension/enlargement is situated only on property originally owned by the development proponent on the day the implementing Zoning By-law was passed;
- c) That no new separate buildings will be permitted;
- d) That the proposed use is similar or more compatible with the uses permitted by the Zoning By-law in effect.

Planning staff are satisfied that the Official Plan policies relating to enlargement/extension of legal non-conforming uses are met. The construction of a 4.46 square metre enclosed porch to the semi-detached dwelling is appropriate given that it is for a residential unit on the property. Considering the size of the addition, it will not significantly increase the usability of the semi-detached dwelling and will not add functional living space to the building.

Staff recommend approval of the application, subject to the above noted conditions.

ENGINEERING SERVICES:

Engineering has no concerns with the request to extend/enlarge the legal non-conforming use to permit the proposed addition.

Accordingly, upon examining Planning staff's comments and recommendations and Zoning staff's comments and recommendations, Engineering staff can support their comments and recommendations for approval.

HERITAGE PLANNING:

Heritage planning staff notifies the Committee of Adjustment that although the subject property (11 Kent Street) is not designated under the Ontario Heritage Act, it has been listed as non-designated in the City of Guelph's *Municipal Register of Cultural Heritage Properties* according to Section 27 of the Ontario Heritage Act.

Heritage planning staff have no objection to the variance proposed in application A-76/17 as it does not pose any negative impact on the property's heritage attributes.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

Future planning or building permit applications for this property may require review by heritage planning staff to determine if such applications would have a negative impact on the heritage attributes of this built heritage resource.

The applicant should be encouraged contact Stephen Robinson, Senior Heritage Planner (519) 837-5616 ext. 2496 for discussion and advice on how the property's heritage attributes may be conserved.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Residential Single Detached (R.1C) Zone. The property is occupied by a semi-detached dwelling which is considered to be a legal non-conforming use in the R.1B Zone. Any additions or a change to a property which is legal non-conforming requires the prior approval of the Committee of Adjustment. The applicant is proposing to construct a 4.46 square metre enclosed porch addition on the left side of the existing semi-detached dwelling.

Building Services does not object to this application to request permission to extend/enlarge the legal non-conforming use to permit the proposed addition.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

COMMENTS FROM THE PUBLIC RECEIVED: None

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APPLICATION NUMBER: A-64/17
LOCATION: 10 Chester Street
DATE AND TIME OF HEARING: November 9, 2017 at 4:00pm
OWNER: Jane and Tyler Wilson
AGENT: N/A
OFFICIAL PLAN DESIGNATION: Low Density Residential
ZONING: Single Residential (R.1B)

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| REQUEST: | The applicant is seeking relief from the By-law requirements to permit: <ul style="list-style-type: none"> a) a front yard setback of 2.21 metres for the proposed addition; and b) the proposed covered porch to have a projection of 2.6 metres into the required front yard. |
| BY-LAW REQUIREMENTS: | The By-law requires: <ul style="list-style-type: none"> a) that for dwellings located within Defined Area Map Number 66 the minimum front yard setback shall be 6 metres or the average of the setbacks of the adjacent properties, being 5.35 metres; and b) that an open, roofed porch not exceeding 1 storey in height have a maximum projection into the required front yard of 2.4 metres. |
| STAFF RECOMMENDATION: | Approval |
| CONDITIONS RECOMMENDED: | N/A |

COMMENTS

PLANNING SERVICES:

This application was deferred at the October 12 hearing to allow the applicant time to revise the application sketch based on a survey of the property and modify the variance request.

The subject property is designated "Low Density Residential" in the Official Plan. The "Low Density Residential" land use designation permits single detached residential uses. The variances requested are for an addition and covered porch on a single detached residential dwelling and therefore the variances are considered to meet the general intent and purpose of the Official Plan.

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The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended. The applicant is proposing to replace the existing covered front porch with a 9.5 square metre addition and a 5.2 square metre covered porch and requires two variances to facilitate this request.

The first variance requested is for a front yard setback of 2.2 metres, whereas Section 5.1.2.7 (i) of the Zoning By-law requires that for dwellings located within Defined Area Map Number 66, the minimum front yard setback shall be 6 metres or the average of the setbacks of adjacent properties, being 5.35 metres. The intent in requiring the average setback is to ensure that new dwellings or additions are consistent with the neighbourhood streetscape in the older built-up areas of the City.

The second variance requested is for a proposed covered porch to have a projection of 2.6 meters into the required front yard, whereas Table 4.7, Row 3 of the Zoning By-law permits an open, roofed porch not exceeding 1 storey in height to have a maximum projection into the required front yard of 2.4 metres.

The existing house is built at 4.8 metres from the front property line and is considered to be legal non-complying. The proposed variances will not have any negative impacts on the adjacent properties and are compatible with the neighbourhood streetscape. The requested variances are considered to meet the general intent and purpose of the Zoning By-law, are considered to be desirable for the appropriate development of the land and are considered to be minor in nature and therefore staff recommend approval of the variances.

ENGINEERING SERVICES:

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a front yard setback of 2.21 metres for the proposed addition; and a proposed covered porch to have a projection of 2.6 metres into the required front yard.

Accordingly, upon examining Planning staff's comments and recommendations and Zoning staff's comments and recommendations, Engineering staff can support their comments and recommendations for approval.

PERMIT AND ZONING ADMINISTRATOR:

The property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to replace the existing front deck with a 9.48 square metre addition and a 5.23 square metre new covered porch. Variances from Section 5.1.2.7 (i) and Table 4.7 Row 3 of Zoning By-law (1995)-14864, as amended, are being requested.

Building Services does not object to this application to permit a front yard setback of 2.21 metres for the proposed addition and the proposed covered porch to have a projection of 2.6 metres into the required front yard.

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

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

REPORT COMPILED BY: L. Cline, Council Committee Assistant

COMMENTS FROM THE PUBLIC RECEIVED: None