

REPORT TO: Committee of Adjustment

DATE OF MEETING: May 20, 2025

SUBMITTED BY: Tina Malone-Wright, Manager, Development Approvals
519-783-8913

PREPARED BY: Arwa Alzoor, Planner, 519-783-8903

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: April 25, 2025

REPORT NO.: DSD-2025-205

SUBJECT: Minor Variance Application A2025-052 - 573 Guelph Street
Minor Variance Application A2025-053 - 575 Guelph Street

RECOMMENDATION:

A. Minor Variance Application A2025-052 – 573 Guelph Street

That Minor Variance Application A2025-052 573 Guelph Street requesting relief from Section 7.3, table 7-3, of Zoning By-law 2019-51:

- i) to permit a lot width of 7.4 metres instead of the minimum required 7.5 metres; and;
- ii) to permit an interior side yard setback of 0.9 metres instead of the minimum required 1.2 metres;

to recognize the existing semi-detached dwelling; generally, in accordance with drawings prepared by Ontario Land Surveyor David J. Raithby, dated June 8, 2023.
BE APPROVED.

B. Minor Variance Application A2025-053 – 575 Guelph Street

That Minor Variance Application A2025-053 for 575 Guelph Street requesting relief from Section 7.3, table 7-3, of Zoning By-law 2019-51:

- i) to permit a lot width of 7.4 metres instead of the minimum required 7.5 metres; and
- ii) to permit an interior side yard setback of 0.9 metres instead of the minimum required 1.2 metres

to recognize the existing semi-detached dwelling; generally, in accordance with drawings prepared by Ontario Land Surveyor David J. Raithby, dated June 8, 2023. BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review Minor Variance Applications to recognize an existing semi-detached dwelling and facilitate the severance of the lot so that each half of the semi-detached dwelling may be dealt with independently.
- The key finding of this report is that variances meet the four tests of the Planning Act.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located in the Mt. Hope Huron Park area between Margaret Avenue and St Leger Street. The property is surrounded by low-rise residential uses.

The subject property is identified as 'Community Areas' on Map 2 – Urban Structure and is designated 'Low Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051.

In April 2021, the Committee of Adjustment approved Minor Variance Application A2021-027 to Zoning By-law 85-1 to permit the construction of a semi-detached dwelling on a lot with the following variances:

- A lot width of 14.96 metres, whereas a minimum width of 15 metres is required; and
- An easterly side yard setback of 0.94 metres and a westerly side yard setback of 0.91 metres, whereas a minimum setback of 1.2 metres is required.

A building permit for the semi-detached dwelling was issued on April 20, 2022.

Subsequently, in July 2024, the Committee of Adjustment conditionally approved Consent Application B2024-020 to sever the parcel of land fronting onto Guelph Street, allowing each half of the semi-detached dwelling to be dealt with separately.

- The severed parcel proposed to have a lot width of 7.5 metres, a depth of 40.3 metres, and an area of 302.25 square metres.
- The retained parcel proposed to have a lot width of 7.46 metres, a depth of 40.3 metres, and an area of 300.6 square metres.

As of the date of this report, most conditions related to the consent application have been satisfied, and the building permit is in the inspection process.

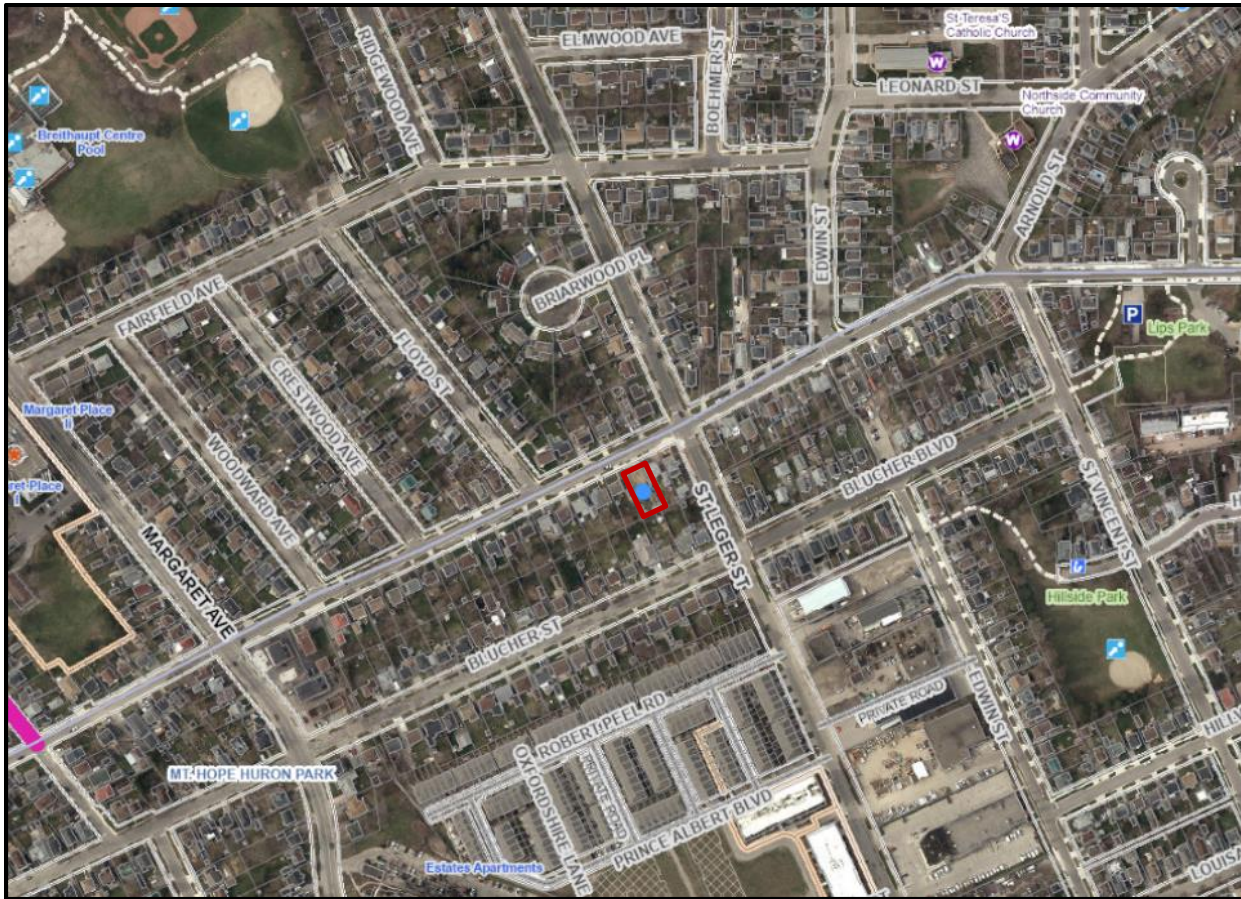


Figure 1: Location Map

Following the approval of the above-noted Minor Variance and Consent Applications, it was determined, as per Figure-3, that both sides of the semi-detached dwelling have:

- A lot width of 7.4 metres, whereas one of the lots was to be 7.5 metres in lot width as approved by A2021-027 and B2024-020; and
- An easterly side yard setback of 0.92 metres instead of 0.94 metres as approved by A2021-027 and a westerly side yard setback of 0.93 metres instead of 0.91 metres as approved by A2021-027.

The purpose of the Application is to recognize a lot width of 7.4 metres for each proposed lot and a side yard setback of 0.9 metres.

The City's Development and Housing Approvals Division has paid the Minor Variance Application fees to account for this additional minor variances.

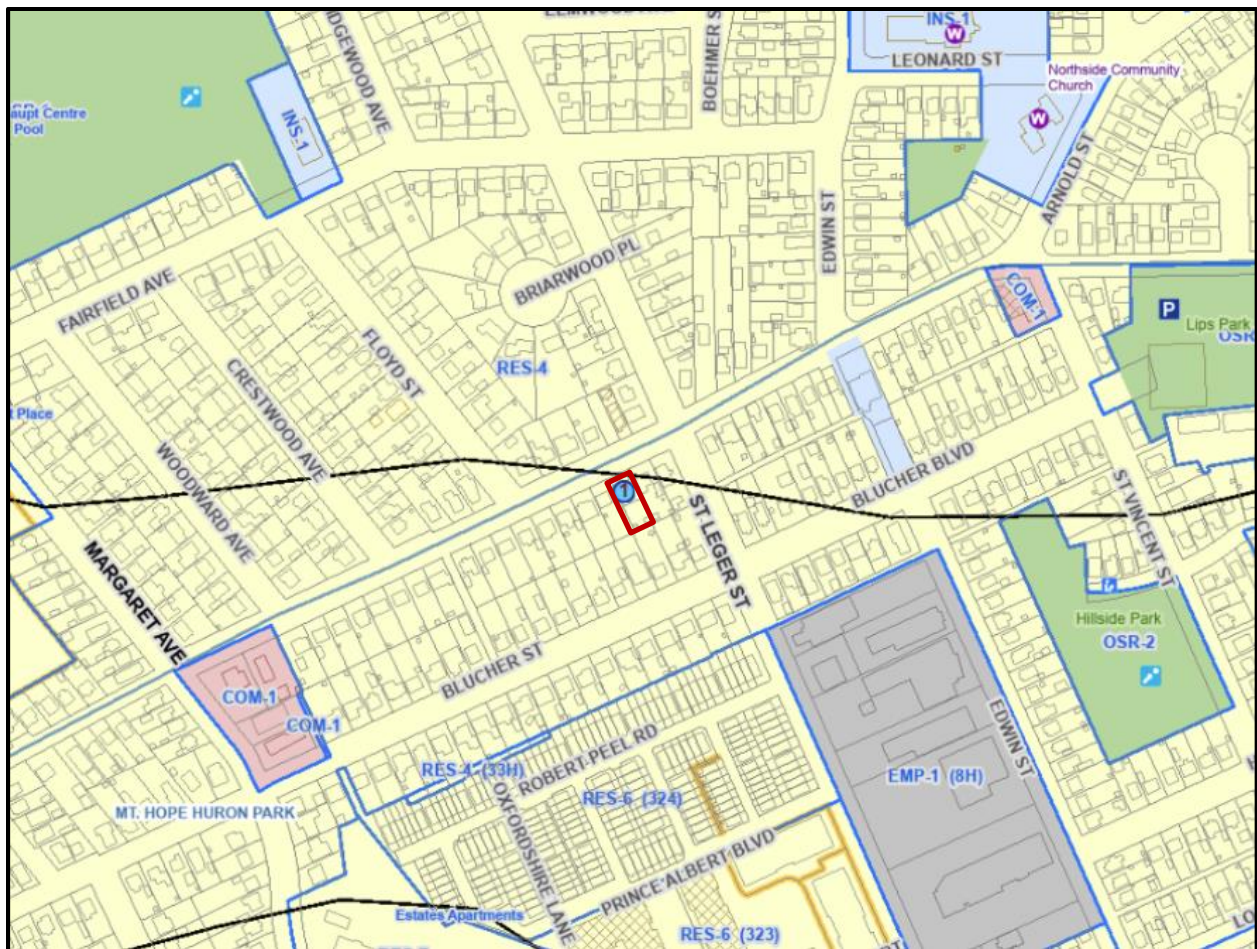


Figure 2: Zoning Map

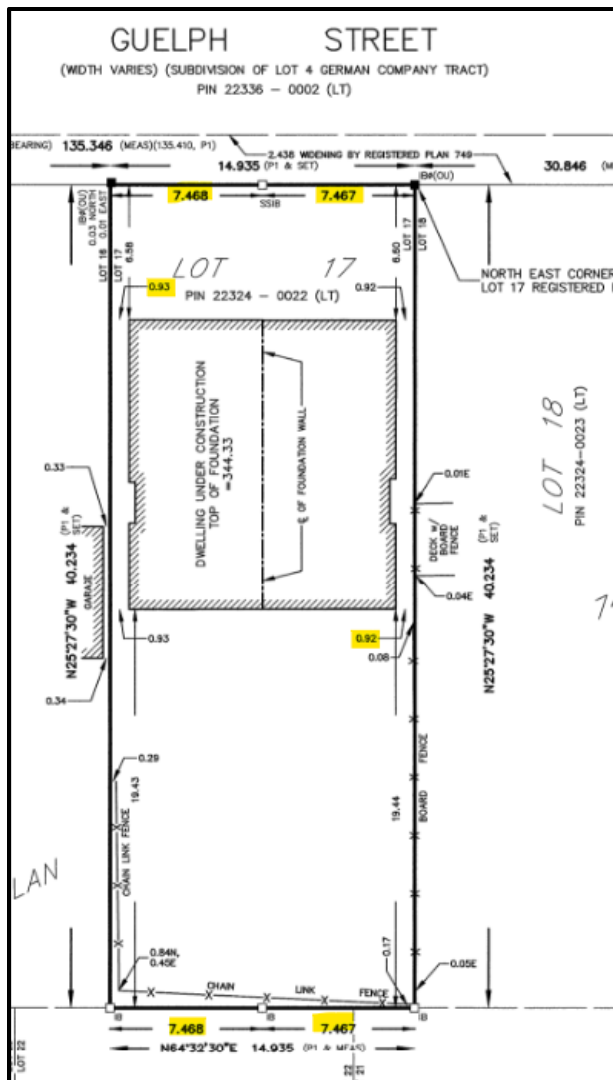


Figure 3: Survey drawing of the subject property

Development and Housing Approvals (DHA) staff visited the site on May 02, 2025

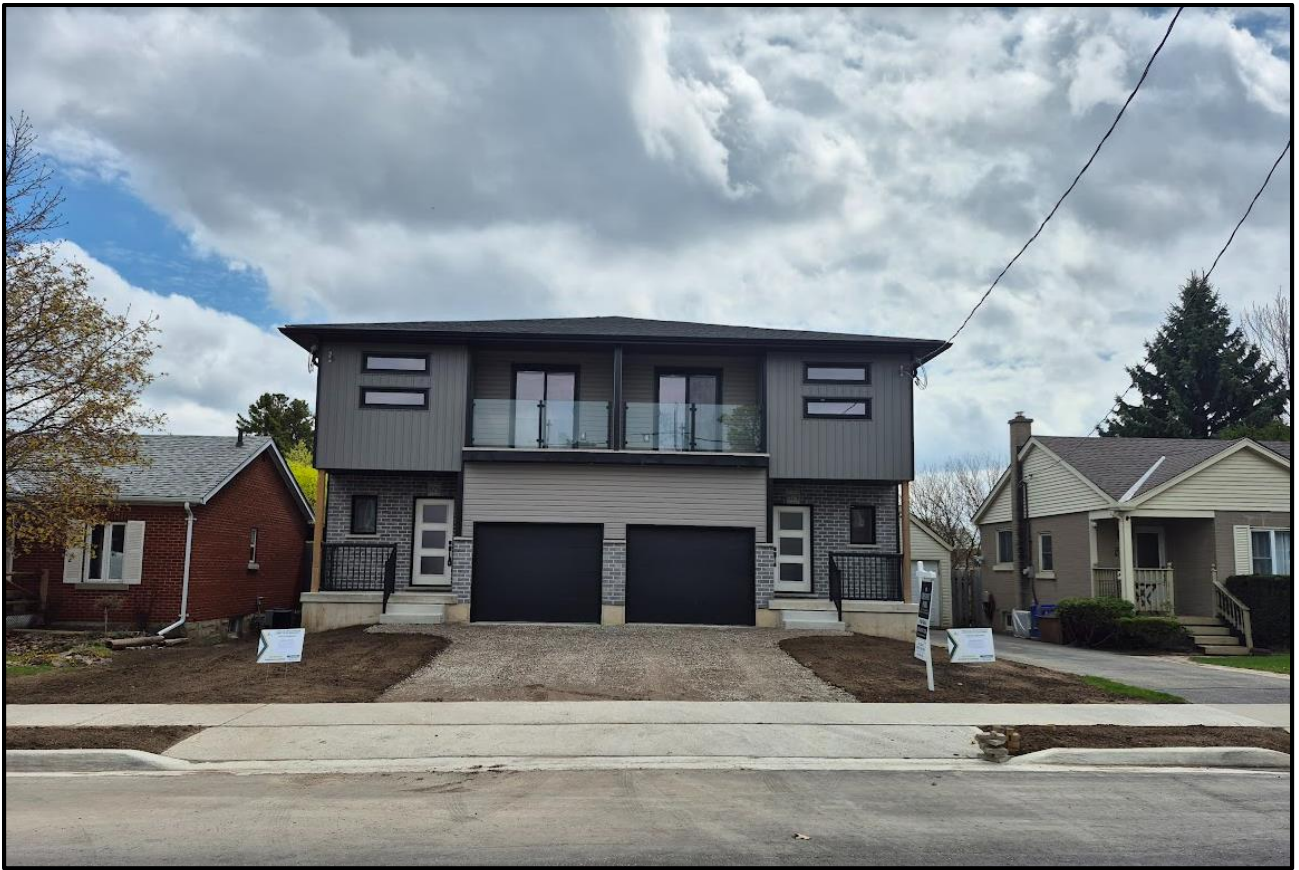


Figure 3: An image of the Front View of The Semi-detached Reflecting the proposed lot width



Figure 4: A Side Image to reflect the side yard setback



Figure 5: A Side Image to reflect the side yard setback

REPORT:

Planning Comments:

In considering the four tests for the minor variances as outlined in Section 45(1) of the Planning Act, R.S.O, 1990 Chap. P 13, as amended, Planning staff offers the following comments:

General Intent of the Official Plan

The subject property is designated Low Rise Residential in the City's Official Plan. This designation places emphasis on compatibility of building form with respect to massing, scale and design in order to support the successful integration of different housing types. It also places emphasis on the relationship of housing to adjacent buildings, streets and exterior areas. It is the opinion of staff that the requested variances are appropriate and continue to meet the general intent of the Official Plan.

General Intent of the Zoning By-law

The 7.5 metres lot width intends to ensure adequate space for a semi-detached dwelling to be constructed and provide adequate street-facing built form presence along the streetscape. The reduction in lot width to 7.4 metres will be negligible and will not negatively affect the appearance of the lots.

The 1.2 metre minimum interior side yard setback requirement is intended to provide sufficient access to the rear yards, ensure adequate separation between buildings for privacy and maintenance, and to promote proper light, air circulation, and drainage. The existing interior side yard setback of 0.9 metres will continue to provide reasonable access to the rear yards and sufficient separation between the dwellings. Staff have no concerns regarding maintenance access or privacy impacts due to the reduced setback.

Based on the above, staff is of the opinion that the requested variances meet the general intent of the Zoning By-law.

Is/Are the Effects of the Variance(s) Minor?

The variances can be considered minor as it is the opinion of staff that the reduction in lot width from 7.5 metres to 7.4 metres is almost negligible in the context of the development. The side yard setbacks continue to accommodate the appropriate rear yard access.

The setbacks of 0.9 metres for the side yards will not present any significant impacts to adjacent properties and the overall neighbourhood.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

The requested variances are desirable and appropriate as they will recognize the semi-detached dwelling on the whole of the lot and facilitate the severance of the dwelling so that each half of the semi-detached dwelling can be dealt with independently.

Environmental Planning Comments:

No concerns.

Heritage Planning Comments:

No concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance. A Building Permit has been issued for the new semi-detached dwelling.

Engineering Division Comments:

No concerns.

Parks and Cemeteries/Forestry Division Comments:

No concerns.

Transportation Planning Comments:

No concerns.

Enova Power comments:

The meter base for each unit must be installed at the front of the house. Installation on the side wall is not permitted due to insufficient clearance.

City staff communicated with Enova Power that the wall is already constructed, and this is to recognize an existing situation. Enova will follow up and may recommend/request that the meter be relocated.

The Region of Waterloo Comments:

No concerns.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information on the City's website or by emailing the Planning Division. A notice of the application was mailed to all property owners within 30 metres of the subject property.

PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*
- *Provincial Planning Statement (PPS 2024)*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*
- *DSD-2021-19*
- *DSD-2024-351*