

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-25/21
Location: 150 Suffolk Street West
Hearing Date: April 8, 2021
Owner: 2567789 Ontario Inc.
Agent: N/A
Official Plan Designation: Low Density Residential
Zoning: Residential Single Detached (R.1B) Zone

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

- a) a minimum of 1 off-street parking space for the primary dwelling unit and proposed additional residential dwelling unit in the existing semi-detached dwelling;
- b) a maximum of 2 driveway accesses on the residential lot; and
- c) the required parking space in the rear yard to be located 0 metres from the property line.

By-Law Requirements: The By-Law requires:

- a) a minimum of 1 parking space per unit in a semi-detached/duplex dwelling;
- b) that only 1 driveway (Residential) access shall be created per residential property; and
- c) that in R.1 Zones where the parking area is situated in the rear yard, the parking area shall not be within 1 metre of any lot line and is to be screened from adjacent properties with a minimum 1.5 metre high solid fence or suitable landscaping.

Staff Recommendation

Approval

Recommended Conditions

None

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 accommodate a parking space on the property do not conflict with 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 single detached dwellings. The semi-detached dwelling is a legal non-conforming use in the R.1B Zone. Planning staff note that the Comprehensive Zoning By-law is proposing to recognize existing semi-detached dwellings, therefore removing the legal non-conforming situation. The applicant is proposing to construct an accessory apartment within the semi-detached dwelling.

Staff note that the first variance requested, to permit one parking space on private property instead of 2 (Section 4.13.4.3), is not required. Section 4.13.4.3.2 states "Despite Section 4.13.4.3, if no legal off-street parking space can be provided for the primary dwelling, as of the date of the passing of this By-law, no parking spaces are required for the additional residential dwelling units."

A legal parking space does not exist, nor can be accommodated on the property; therefore, no parking spaces are required for the additional residential dwelling unit.

Due to the narrow property configuration and existing legal non-complying driveway condition, the following variances are requested to accommodate a new parking space in the rear yard with access from the laneway:

- a) To permit a parking space to have a 0 metres setback from the side and rear lot lines; whereas, Section 4.13.7.6 requires in R.1 and R.2 Zones where the parking area is situated in the rear yard, the parking area shall not be within 1 metre of any lot line and is to be screened from adjacent properties with a minimum 1.5 metre high solid fence or suitable landscaping.
- b) To permit 2 driveway accesses on the lot; whereas, Section 4.13.7.2 ii) states 1 driveway (Residential) access only shall be created per residential property.

The existing driveway to the property that is accessed from Yorkshire Street North is a legal non-complying condition as the parking space is not wholly located on the subject property. Yorkshire Street North is a collector road with a 30 metre right-of-way.

The proposed parking space for the property is to be accessed from the City-owned laneway at the rear of the property. The subject property is 4.66 metres in width. To accommodate the existing parking space and the rear laneway parking space while maintaining the rear yard amenity area, a 0 metre setback from the side and rear lot line is proposed for the second parking space. There is an existing hedge

row between the subject property and 148 Suffolk Street West and mature trees, providing a buffer between the neighbouring properties. City staff have no objection to a 0 metre setback from the proposed parking spot to the laneway.

Staff discussed multiple driveway configurations with the property owner. Ultimately, maintaining the existing driveway condition off of Yorkshire Street North and permitting a new driveway access onto the property from the existing rear laneway for a second parking space was found to be the most desirable way to accommodate 2 parking spaces for the property. No new access needs to be created by way of any curb cut as the rear laneway is at grade with the property. No new access from Suffolk Street West or Yorkshire Street North will be created, therefore the streetscape is not negatively affected with any new driveway. The existing driveway off of Yorkshire Street North is not widened with the proposed solution, which would enlarge the legal-non complying situation and remove rear yard amenity space.

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.

Planning staff recommend approval of the application.

Engineering Services

Engineering has reviewed the application, and we have no concerns with the request variances.

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 an additional residential dwelling unit (apartment) on the second storey of the existing semi-detached dwelling. The applicant is also proposing to remove an existing shed in the rear yard to allow for the construction of a second driveway off a laneway located at the rear of the subject property. Variances from Sections 4.13.4.3, 4.13.7.2 ii), and 4.13.7.6 of Zoning By-law (1995)-14864, as amended, are being requested.

Building Services does not object to these variance requests. 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

Contact Information

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