

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-27/23
Location: 85 Cork Street West
Hearing Date: April 13, 2023
Owner: Joshuah Reitzel and Hyunjin Lim
Agent: N/A
Official Plan Designation: Low Density Residential
Zoning Designation: Residential Single Detached (R.1B) Zone

By-Law Requirements: The By-Law requires that:

- a) a minimum side yard setback of 1.5 metres for a property located in the R.1B Zone;
- b) a minimum rear yard setback of 7.5 metres or 20% of the lot depth [6.8 metres], whichever is less, for properties located in the R.1B Zone;
- c) a required parking space to be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building for a property in a R.1B Zone; and
- d) a minimum of one off-street parking space per unit [total of 3 parking spaces required].

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

- a) a minimum right side yard setback of 1.22 metres for the proposed addition and existing dwelling;
- b) a minimum rear yard setback of 5.75 metres for the proposed addition and existing dwelling;
- c) the required off-street parking space to be located a minimum of 5.5 metres from the street line and only partially to the rear of the front wall of the main dwelling; and
- d) a minimum of 2 off-street parking spaces for the 3 unit dwelling.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Planning Services

1. That the variances shall only apply to the addition and parking spaces as shown on the public notice sketch.

Engineering Services

2. That prior to the issuance of a Building Permit, the Owner(s) shall have a Professional Engineer or Ontario Land Surveyor design a grading and drainage plan for the site and proposed works, to the satisfaction of the General Manager/City Engineer. Grading must demonstrate that existing drainage patterns are maintained and the adjacent property will not be impacted by the addition or any associated works.
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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 and semi-detached dwellings, and multiple unit residential buildings including townhouses and apartments. The subject property contains a legal non-conforming three-unit dwelling. The applicant is proposing to rebuild and enlarge the existing residential dwelling unit at the rear of the property and construct a second-storey addition and requires four variances.

It is an objective of the Official Plan to maintain the general character of built form in existing, established residential neighbourhoods (9.3(f)). By extension, it is a residential policy in the Official Plan for building form, scale, height, setbacks, massing, appearance, and siting to be compatible in design, character, and orientation with buildings in the immediate vicinity (9.3.1.1). The existing dwelling's configuration and siting on the subject property is generally being maintained by the proposed variances, with only minor changes to the building's footprint towards the rear. The new layout of the dwelling with the addition generally maintains the massing, appearance, and siting of the building in respect to surrounding buildings and overall neighbourhood character. The requested variances 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 permits single detached dwellings and other related accessory uses. The existing use of the building as a three-unit building is considered to be a legal non-conforming use. The applicant has requested the following variances to facilitate the rebuilding of the rear residential unit and to increase the number of available off-street parking spaces:

Variance A

The first variance requested is to permit a minimum interior side yard setback of 1.22 metres for the proposed addition and existing dwelling, whereas the By-law requires a minimum side yard setback of 1.5 metres. The general intent and purpose of minimum interior side yard setbacks in the Zoning By-law is to provide adequate room for lot grading, drainage, access, maintenance, and privacy. The existing structure that is proposed to be replaced currently has no setback from the lot line, being immediately adjacent to the retaining wall along the lot line. The larger setback of the proposed new addition will allow for improved access and drainage by separating the building from the retaining wall. The subject property is located within an older and established neighbourhood of the City where reduced and irregular setbacks on low-rise residential blocks are common. The difference in elevation between this property and the neighbouring one should reduce privacy concerns. The requested variance for a reduced interior side yard setback is considered to meet the general intent and purpose of the Zoning By-law.

Variance B

The second variance requested is to permit a minimum rear yard setback of 5.75 metres for the proposed addition and existing dwelling, whereas the By-law requires a minimum rear yard setback of 6.8 metres. The general intent and purpose of the required rear yard setbacks in the Zoning By-law is to maintain a rear yard amenity area and ensure the property is not over-developed. The size of the rear yard amenity area will not be significantly impacted by the proposed addition, with adequate room remaining for the enjoyment of the building's residents. There will not be a significant increase in the building's footprint as a result of expansion into the rear yard setback, reducing any appearance of over-development. The requested variance for a reduced rear yard setback is considered to meet the general intent and purpose of the Zoning By-law.

Variance C

The third variance requested is to permit a required parking space to be located a minimum of 5.5 metres from the street line and only partially to the rear of the front wall of the main dwelling, whereas the By-law requires a required parking space to be located a minimum of 6 metres from the street line and to the rear of the front wall of the main dwelling. The general intent and purpose of the required parking space setback from the street line in the Zoning By-law is to prevent parking areas from dominating the streetscape of the neighbourhood. However, in older neighbourhoods where historic lot sizes are small as is the case with the subject property and many neighbouring properties, it can be difficult to locate all required parking spaces 6 metres from the street line. The steep slopes on the property also contribute to making alternative locations for off-street parking spaces difficult. The requested variance is considered to meet the general intent and purpose of the Zoning By-law.

Variance D

The fourth variance requested is to permit a minimum of two off-street parking spaces for the three-unit dwelling whereas the By-law requires a minimum of one

off-street parking space per unit. The general intent and purpose of the required minimum off-street parking spaces in the Zoning By-law is to ensure that all of the residents' vehicles can be accommodated on the property. The property is located with nearby access to several transit routes and a short, walk from Downtown. The existing three-unit dwelling has only one off-street parking space for three units, so the requested two parking spaces would represent an increase in spaces. The requested variance is considered to meet the general intent and purpose of the Zoning By-law.

The proposed addition maintains the general layout of the existing dwelling and is designed in a way that is consistent with the existing character of the established neighbourhood. Separating the rear residential unit from the retaining wall along the right-side lot line and expanding the living space creates a larger and residential unit. The requested variances are desirable for the appropriate development of the land.

The requested variances would maintain the character of the neighbourhood and are not expected to have any negative impacts on the streetscape. The proposed addition maintains the general existing configuration of the building on the subject property and is replacing an existing residential unit generally in the same location. The proposed driveway is also in the same general location and configuration as the existing driveway but will allow for an additional off-street parking space. Staff are of the opinion that the requested variances are minor in nature.

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

Staff recommend approval of the application subject to the above noted condition.

Engineering Services

Engineering has no concerns with the requested variances subject to the above noted condition being imposed.

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

Building Services

The subject property is in the Residential Single Detached (R.1B) Zone which permits single detached dwellings and additional residential dwelling units. The property is also with Defined Area Map 66, which is a boundary of the older city lands which surround downtown and many structures were built prior to zoning by-laws being created and do not meet current requirements. The building is a legal non-conforming triplex. The applicant requires variances to rebuild and enlarge the existing residential dwelling unit at the rear of the dwelling and to construct a second-storey addition. Since the proposal includes extending the driveway, the legal non-complying status of having no legal parking spaces on the property is lost. Therefore, the variance is triggered for the extension of the driveway to allow for an additional parking space, since the required 3 parking spaces for 3 dwelling units is not met.

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.

Comments from the Public

None

Contact Information

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