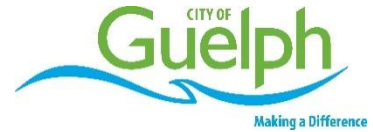


Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-41/23
Location: 83 Bagot Street
Hearing Date: July 13, 2023
Owner: Samual Zajdlik
Agent: Aaron Maksym, Vintage Drafting
Official Plan Designation: Low Density Residential
Zoning Designation (1995)-14864: Residential Single Detached (R.1B) Zone
Zoning Designation (2023)-20790: Low Density Residential 1 (RL.1) Zone

Zoning By-Law (1995)-14864 Requirements:

The By-law allows a variety of uses in the R.1B Zone, including an additional residential dwelling unit, but does not permit a duplex dwelling. A duplex dwelling is defined as a building that is divided horizontally into two separate dwelling units.

Zoning By-Law (2023)-20790 Requirements:

Zoning By-law (2023)-20790, as amended, permits a duplex dwelling in the RL.1 Zone.

Request:

The applicant is seeking relief from the requirements of both By-Laws to permit a duplex dwelling as a permitted use on the subject property.

Staff Recommendation

Refusal

Comments

Planning Services

The subject lands are designated as "Low Density Residential" in the 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 dwellings, semi-detached dwellings, and duplex dwellings. The requested variances will facilitate the conversion of the existing dwelling into a

duplex. Staff are satisfied that the requested variances conform with the general intent and purpose of the Official Plan.

The subject lands are zoned "Residential Single Detached" (R.1B) according to By-law (1995)-14864, as amended; and are zoned "Low Density Residential" (RL.1) in the Comprehensive Zoning By-law passed by Council on April 18th, 2023. A duplex is a permitted use in the RL.1 zone but is not permitted in the R.1B zone, necessitating the proposed variance to the 1995 Zoning By-law.

The intent of the R.1B zone is to maintain a low-density built form comprised of single-detached dwellings. Following direction from the Provincial Government Additional Residential Dwelling Units (ARDUs) were added as permitted uses in 2020. Adding ARDUs as a permitted use allows for gentle density to be added to established neighbourhoods without altering the character of the neighbourhood. The applicant could achieve their desire for two units on the property without the need for a minor variance by complying with the required provisions for ARDUs. These provisions include a requirement for an interior connection to be maintained between the ARDU and the main dwelling, as the ARDU is considered subordinate and accessory to the primary dwelling. Provided that this connection is maintained, the applicant would likely be able to proceed with their proposal as an ARDU without the need for a variance. Conversely, a duplex would be two separate dwelling units with building code requirements for separated mechanical ventilation, fire wall, etc. For this reason, staff are of the opinion that the creation of duplex dwellings does not conform with the intent of the R.1B zone.

The requested variances would allow for the conversion of a single detached dwelling with an Additional Residential Dwelling Unit into a duplex and would have little impact on the neighbouring properties. The proposed duplex use will maintain the footprint of the existing dwelling. For these reasons staff are satisfied that the proposal is minor in nature and is desirable for the development of the land.

The requested variances meet the general intent of the Official Plan, is desirable for the appropriate development of the land and is minor in nature. However, it does not meet the general intent and purpose of the 1995 Zoning By-law.

Staff recommend refusal of the application.

Engineering Services

Engineering has no concerns with the requested variance seeking relief from the requirements of the By-law to permit a duplex dwelling as a permitted use of the subject property.

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

Building Services

The subject property is zoned Residential Single Detached (R.1B) under Zoning By-law (1995)-14864, as amended and Low Density Residential 1 (RL.1) under council approved Comprehensive Zoning By-law (2023)-2079, as amended. Both zones permit a single detached dwelling with accessory residential dwelling units. The

RL.1 Zone permits a duplex dwelling. Each dwelling unit requires a legal parking space that can be individually accessed. Stacked parking of the 2 required parking spaces is not permitted.

Any conversion of the single detached dwelling with accessory dwelling unit to a duplex will need meet the requirements of the Ontario Building Code to allow for two independently functioning units.

Building Services supports Planning and Engineering recommendations.

Comments from the Public

None

Contact Information

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