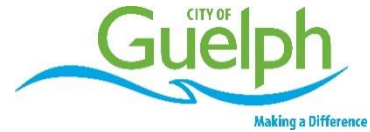


# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: A-60/23  
Location: 32 Norwich Street West  
Hearing Date: September 14, 2023  
Owner: Michael Thomson  
Agent: Phill McFadden, Build Consulting Services  
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 requires that every required parking space be located a minimum distance of 6 metres from the street line, and to the rear of the front wall of the main building, in the R.1B Zone.

### **Zoning By-Law (2023)-20790 Requirements:**

The By-law requires that for a semi-detached dwelling, one 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.

### **Request:**

The applicant is seeking relief from the requirements of both By-Laws to permit a parking space to be located a minimum of 1.4 metres from the street line, and to the front of the front wall of the main dwelling.

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## Staff Recommendation

### Refusal

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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 development, including driveways associated with existing residential dwellings. Among the objectives listed for Residential designations, objective 9.3(i) requires that new development is compatible with the surrounding land uses and the general character of neighbourhoods. Considering many other properties along Norwich Street West have legal non-complying driveways located primarily on the municipal right-of-way, staff are satisfied that the proposal conforms with the intent of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended; and is zoned "Low Density Residential" (RL.1) in the Comprehensive Zoning By-law passed by Council on April 18<sup>th</sup>, 2023. Section 4.13.2.1 of the 1995 Zoning By-law and Section 5.2.1(a)(i) of the 2023 Zoning By-law require that every required parking space be located a minimum distance of 6 metres from the street line, and to the rear of the front wall of the main building. Both Zoning By-laws require parking spaces to have a minimum width of 2.5 metres and a minimum depth of 5.5 metres. As the proposed driveway would have 1.4 metres of depth on the subject property, the remaining 4.1 metres of the required parking space would be located on the municipal right-of-way. The intent of this provision is to ensure that the front yards of dwellings are not dominated by driveways and parked cars. As it would not be possible to park a car entirely on the subject property or behind the front wall of the dwelling, the proposal does not conform with the general intent of the by-law.

The proposed driveway could not accommodate two parking spaces without blocking the existing sidewalk in front of the subject property and would eliminate an on street parking space in front of the dwelling. As a result, there would be no net gain in parking availability near the subject property despite the significant reduction of permeable surface in front of the dwelling. The majority of the proposed parking space would be located on the municipal right-of-way with a 4.1 metre encroachment rather than the required 6 metre setback for required off street parking spaces. Staff also note that adding a legal parking space would eliminate the property's legal non-complying parking status and would necessitate additional parking variances if the property owner decided to add an Additional Residential Dwelling Unit in the future. With the property's current legal non-complying parking status all Additional Residential Dwelling Unit's are exempt from minimum parking requirements in both the 1995 and 2023 Zoning By-law. For these reasons, staff do not consider the proposed driveway to be minor in nature or desirable for the appropriate development of the land.

In the opinion of planning staff, the requested variance does meet the general intent and purpose of the Official Plan, but does not meet the general intent and purpose of the Zoning By-law, is not desirable for the appropriate development of the lands and is not minor in nature.

Staff recommend refusal of the application.

## Engineering Services

Engineering has no concerns with the requested variance to permit reduced front yard setback and location for proposed driveway. We agree with the recommendations made by Planning and Building staff, and request that the following conditions be recommended for any Committee approval of the application:

1. That prior to start of any work on site, the Owner(s) obtain an entrance permit for the new proposed driveway, to the satisfaction of the General Manager/City Engineer.
2. That prior to issuance of Entrance Permit, the Owner(s) obtain a Licensing Agreement from the City's Realty Services department, to the satisfaction of the City Solicitor/General Manager. All costs associated with the licensing agreement shall be the responsibility of the Owner(s).
3. That prior to issuance of Entrance Permit, the Owner(s) provide the City's Engineering department with a partial grading plan for the new driveway and ensure that all drainage is directed towards the City right-of-way in a safe manner to the satisfaction of the General Manager/City Engineer.

## 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.

The applicant is proposing a legal parking space with driveway in front of the dwelling partially on private property and partially on the City right-of-way. The zoning by-laws require a minimum setback of 0.5 m between a residential driveway and the nearest lot line that must be maintained as landscaped space in the form of natural vegetation, such as grass, flowers, trees and shrubbery.

Building Services notes for the applicant that the required Licensing Agreement for the parking space partially on City lands will need to be executed prior to any issuance of an Entrance Permit and/or curb cut.

Building Services supports Planning and Engineering recommendations.

## Comments from the Public

None

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## Contact Information

**Committee of Adjustment:** City Hall, 1 Carden Street, Guelph ON N1H 3A1  
519-822-1260 Extension 2524 [cofa@guelph.ca](mailto:cofa@guelph.ca)  
TTY: 519-826-9771 [guelph.ca/cofa](http://guelph.ca/cofa)