

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-78/23
Location: 27 Vardon Drive
Hearing Date: November 9, 2023
Owner: Renee Kearney and Matthew Smith
Agent: Tracey Lesperance, Van Harten Surveying Inc.
Official Plan Designation: Low Density Residential
Zoning Designation (1995)-14864: Residential Single Detached (R.1A) Zone
Zoning Designation (2023)-20790: Low Density Residential 1 (RL.1) Zone

Zoning By-Law (1995)-14864 Requirements:

The By-law requires that a driveway have a maximum width of 7.5 metres in the R.1A Zone.

Zoning By-Law (2023)-20790 Requirements:

The By-law requires:

- a) that the maximum driveway width for a single detached dwelling be 6.5 metres in the RL.1 Zone; and
- b) that the maximum front yard be 10 metres for a single detached dwelling in the RL.1 Zone.

Request: The applicant is seeking relief from the requirements of both Zoning By-laws to permit a maximum driveway width of 11 metres for the proposed driveway.

The applicant is also seeking relief from the requirements of Zoning By-law (2023)-20790, as amended, to permit a maximum front yard of 16.6 metres for the proposed new residential dwelling.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Planning Services

1. That the driveway be constructed in general accordance with the public notice sketch.

Alectra Utilities

2. That prior to issuance of a building permit, the applicant makes arrangement for provision of hydro servicing to the parcel, satisfactory to the ICI and Layouts Department of Alectra Utilities. The servicing costs would be at the applicant's expense.
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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. The requested variances will permit the widening of a driveway leading to the dwelling and the location of the proposed dwelling 16.6 metres from the front lot line. Staff are satisfied that the proposal conforms with the general intent and purpose of the Official Plan.

The subject lands are zoned "Residential Single Detached" (R.1A) according to Zoning 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 18, 2023. The subject property has an existing driveway that encroaches onto the neighbouring property. The new driveway would address the encroachment of the driveway into the neighbouring lot while providing vehicular access to the proposed dwelling and a hammerhead turnaround near the attached garage. The proposed dwelling requires variances to permit a maximum driveway width of 11 metres and a maximum front yard setback of 16.6 metres to facilitate its development.

Variance A

The first variances requested would permit a maximum driveway width of 11 metres, whereas Section 4.13.7.2.1 of the 1995 Zoning By-law requires a maximum driveway width of 7.5 metres in the R.1A zone. Table 5.10 of the 2023 Comprehensive Zoning By-law requires a driveway width of 6.5 in the RL.1 zone. The general intent and purpose of driveway width regulations in the Zoning By-law is to maintain residential streetscape character with hard and soft landscaping in the front yard, to ensure that driveways are an appropriate width in relation to the lot frontage, are not excessively widened, and do not dominate front yards with surface parking.

The subject property has a lot frontage of approximately 28 metres which is larger than the minimum required lot frontage of 18 metres in the R.1A Zone for the 1995 Zoning By-law and minimum required lot frontage of 15 metres in the RL.1 Zone for

the 2023 Comprehensive Zoning By-law. The proposed driveway width of 11 metres is to accommodate a hammerhead turnaround that would be located near the dwelling. Most of the proposed driveway located closer to the street would conform with the maximum 6.5 metre width. Given the larger than normal frontage of the property, the proposed driveway is desirable and considered minor in nature as it represents an appropriate balance of hard and soft surfaces. Staff are satisfied that the proposed driveway maintains the general intent of the Zoning By-law and recommend that a condition be included to ensure that the driveway generally conforms with the sketch provided in the public notice.

Variance B

The second variance requested would permit a maximum front yard setback of 16.6 metres for the proposed dwelling, whereas Table 6.3 of the 2023 Comprehensive Zoning By-law requires a maximum setback from a lot line of 10 metres. The intent of the front yard setback requirements is to ensure that dwellings are adequately set back from the street. The existing dwelling maintains a front yard setback of over 18 metres, and the proposed dwelling has reduced the setback to 16.6 metres. The proposed dwelling has a similar front yard setback to that of the neighbouring dwelling to the west (25 Vardon Drive). For this reason, staff are satisfied that the proposed setback is desirable for the development of the lands, is minor in nature, and that the intent of the Zoning By-law is maintained.

The requested variances would facilitate the construction of a new single detached dwelling, and the relocation of the driveway to ensure it is located entirely on the subject lands. The proposal has little impact on the streetscape and neighbouring properties and improves the built form. 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 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 variance.

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

Building Services

The subject property is zoned Residential Single Detached (R.1A) 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.

The lot is technically treated as a through lot with two front yards. The front yard setback of the building facing Vardon Street is decreasing from what is existing on the property, while still being over the maximum 10 metres as required in the 2023 Comprehensive Zoning By-law. The driveway is being remedied to no longer

encroach onto the adjacent property. Building-Zoning supports a condition that the maximum 11 metre driveway be width permitted only as per the site sketch, so the entirety of the driveway cannot be widened to 11 metres. The 8 metre driveway width in front of the proposed garage is existing and can be considered legal non-complying.

A building permit is required prior to any construction, at which time requirements under the Ontario Building Code will be reviewed.

Building Services supports Planning and Engineering recommendations subject to the driveway width condition.

Comments from the Public

None

Contact Information

Committee of Adjustment: City Hall, 1 Carden Street, Guelph ON N1H 3A1

519-822-1260 Extension 2524

cofa@guelph.ca

TTY: 519-826-9771

guelph.ca/cofa