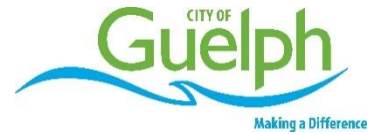


Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-11/20
Location: 24 Ray Crescent
Hearing Date: March 12, 2020
Owner: Maged Saad and Carmen Khalil
Agent: Grant Luehndorf
Official Plan Designation: Low Density Green Field Residential
Zoning: Residential Single Detached (R.1C) Zone

Request: The applicant is seeking relief from the By-Law requirements to permit an accessory apartment size of 114.15 square metres, or 45 percent of the total floor area of the existing detached dwelling.

By-Law Requirements: The By-Law requires that an accessory apartment shall not exceed 45 percent of the total floor area of the building and shall not exceed a maximum of 80 square metres in floor area, whichever is lesser.

Staff Recommendation

Approval with Condition

Recommended Conditions

Planning Services

1. That the accessory apartment is permitted with an area of 109 square metres as calculated from the sketch provided with the application.
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Comments

Planning Services

The subject property is designated "Low Density Greenfield Residential" in the City's Official Plan. The "Low Density Greenfield Residential" land use designation permits a range of housing types including single detached residential dwellings with accessory apartments. The requested variance meets the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1C) according to Zoning By-law (1995)-14864, as amended, which permits a single detached

dwelling. An accessory apartment is also a permitted use in the R.1C zone, subject to meeting the requirements of Section 4.15.1 of the Zoning By-law. Section 4.15.1.5 requires that accessory apartments not exceed 45% of the total floor area of the building and shall not exceed a maximum of 80 square metres in floor area, whichever is lesser.

The applicant is requesting to permit an accessory apartment with an area of 114.15 square metres, or 45% of the total floor area of the existing single detached dwelling. Building Staff completed a review of the application and note that the applicant included the interior stairs as part of the accessory apartment floor area calculation, which should have been excluded. The floor area of the accessory apartment is actually 109 square metres and will occupy 30% of the total floor area of the two storey dwelling, as indicated by Building Plans Review staff.

Exterior stairs are shown on the accessory apartment floor plan sketch. Staff note to the applicant that any exterior stairs require a minimum side yard setback of 0.6 metres to the property line.

The general intent and purpose of the Zoning By-law in limiting the floor area of an accessory apartment is to ensure that the unit is clearly subordinate and accessory to the primary use and to maintain the appearance of the built form, which in this case is a single detached dwelling. The proposed accessory apartment represents 30% of the total floor area of the dwelling (including the basement). Based on floor plans submitted by the applicant, the apartment contains two bedrooms, is interconnected to and is smaller than the host dwelling. Planning staff are of the opinion that the accessory apartment is subordinate to the host dwelling unit in size.

The requested variance for accessory apartment size is considered desirable and minor in nature as the accessory dwelling unit is wholly contained within the dwelling and does not exceed 45% of the total floor area of the building.

Planning staff recommend approval of the requested variance to permit an accessory apartment size of 109 square metres subject to the above noted condition.

Engineering Services

Engineering has no concerns with request of seeking relief from the By-law requirements to permit an accessory apartment size of 114.15 square metres, or 45 percent of the total floor area of the existing detached dwelling.

We agree with recommendations made by Planning and Building staff.

Building Services

The applicant is proposing to construct an accessory apartment with an area of 114.15 square metres, or 45 percent of the total gross floor area, in the walkout basement of the existing detached dwelling. Staff have calculated the proposed accessory apartment and found that the calculation is actually 109m² and 30% of the total gross floor area.

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.

It should be noted that based on the drawing provided, we could not determine whether the proposed stairs will comply with the Zoning By-law. If it is later determined that they do not comply, an additional variance will be required.

Comments from the Public

None

Contact Information

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