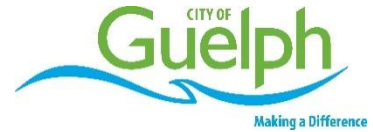


Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-3/24
Location: 49 Amsterdam Crescent
Hearing Date: February 8, 2024
Owner: Kendall Wayow and Juisseppina Giampletro
Agent: N/A
Official Plan Designation: Low Density Residential
Zoning Designation (1995)-14864: Residential Single Detached (R.1C) Zone
Zoning Designation (2023)-20790: Low Density Residential 2 (RL.2) Zone

Zoning By-Law (1995)-14864 Requirements:

The property is located in the Residential Single Detached (R.1C) Zone. A variance from Section 4.15.1.6.2 of Zoning By-law (1995)-14864, as amended, is being requested. The By-law requires that an additional residential dwelling unit within a primary dwelling unit shall not contain more than two bedrooms.

Zoning By-Law (2023)-20790 Requirements:

The property is also located in the Low Density Residential 2 (RL.2) Zone. A variance from Section 4.12.1 (b) of Zoning By-law (2023)-20790, as amended, is being requested. The By-law requires that an additional residential dwelling unit shall not contain more than two bedrooms.

Request:

The applicant is seeking relief from the requirements of both Zoning By-laws to permit the proposed additional residential dwelling unit in the basement of the existing dwelling to contain a maximum of three bedrooms.

The applicant has provided a basement floor plan for the proposed additional residential dwelling unit, and a copy of this plan is attached.

Staff Recommendation

Approval with Condition

Recommended Conditions

Building Services

1. That issued Building Permit file 2020 004875 000 02 PR be cancelled prior to Building Permit file 2023 005769 000 00 BRX being closed.
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Comments

Planning Services

The subject property is designated "Low Density Residential" under the Official Plan. The "Low Density Residential" land use designation applies to built-up residential areas of the City, intended to support a range of low-density housing types which permit additional dwelling units on a residential property. The requested minor variance to permit an additional dwelling unit in the basement of the primary dwelling would not conflict with the general intent and purpose of the Official Plan as the proposed variance maintains the existing low density single-detached residential use and nature on the subject property.

The subject property is zoned "Residential Single Detached" (R.1C) according to Zoning By-law (1995)-14864, as amended; and are zoned "Low Density Residential" (RL.2) in the Comprehensive Zoning By-law passed by Council on April 18, 2023. These residential zones permit single detached dwellings as well as additional dwelling units (ADUs), either within the primary dwelling or in a detached additional dwelling unit to a maximum of three units total. The applicant is proposing to create an ADU in the basement of the primary dwelling that would contain a maximum of three bedrooms.

The applicant is requesting relief from both the 1995 Zoning Bylaw and the 2023 Zoning Bylaw to permit a maximum of three bedrooms for the ADU, located in the basement of the existing dwelling. Under section 4.15.1.6.2 of the 1995 Zoning Bylaw, an ADU shall not contain more than two bedrooms. However, if the ADU is located within the basement, section 4.15.1.6.1.1 allows the ADU to take up the entirety of the basement level. Similarly in the 2023 Comprehensive Zoning Bylaw, section 4.12.1 (c)(i) permits an ADU to be located entirely in the basement of the primary dwelling and may contain three bedrooms. The variances requested would facilitate the creation and construction of an ADU in the basement of the primary dwelling with a total of three bedrooms. The intent of the Zoning Bylaw as it relates to ADU regulations permitting a maximum number of bedrooms is to ensure that the ADU is subordinate to the primary dwelling. In both Bylaws, the provision that an ADU may occupy the entirety of the basement supports this variance. The proposed ADU being located wholly in the basement of the primary dwelling ensures that it would be a subordinate and accessory use. Staff are of the opinion that this application is minor in nature, complies with the ADU regulations in the 2023 Bylaw, and meets the intent of the 1995 Bylaw as well.

The proposal is desirable as the proposed ADU is compatible with the surrounding built form and whose development is considered an accessory and subordinate use of the primary dwelling. The requested variance for a three-bedroom ADU to be

located wholly in the basement of the primary dwelling meets the general intent and purpose of the Official Plan and Zoning By-laws, is desirable for the appropriate development and use of the land and is minor in nature. Staff recommend approval of the application.

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.1C) Zone under Zoning By-law (1995)-14864, as amended and Low Density Residential 2 (RL.2) under Council approved Comprehensive Zoning By-law (2023)-2079, as amended. The applicant is proposing an Additional Residential Dwelling Unit in the basement with 3 bedrooms. The 1995 ZBL permits a maximum of 2 bedrooms in an ARDU and the 2023 Comprehensive Zoning By-law permits a maximum of 3 bedrooms in an ARDU when the ARDU is located within a basement.

The notice states that Section 4.12.1 (b) of the 2023 Comprehensive Zoning By-law permits 2 bedrooms in an ARDU. However, Section 4.12.1 (c)(i)(A) states if the additional residential dwelling unit is located within the basement, the additional residential dwelling unit may occupy the entirety of the basement and may contain 3 bedrooms. Therefore, only a variance to the 1995 Zoning By-law is required.

This property has an issued permit for a Lodging House. Both Zoning By-laws do not permit ARDU's in lodging houses, so the permit will need to be cancelled in order for the ARDU permit to be issued. Due to administrative issues, the Lodging House permit cannot be cancelled until the ARDU permit is issued. Therefore, Building is requesting a condition that the Lodging House permit be cancelled prior to the ARDU permit being closed.

Note that a building permit will be required prior to any construction at which time requirements under the Ontario Building Code will be reviewed.

Building Services has no objection to the application and supports Planning and Engineering recommendations, subject to the requested condition.

Comments from the Public

None

Contact Information

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