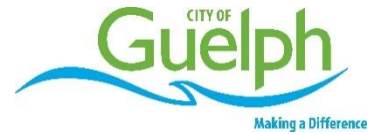


Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-57/20
Location: 23 Westra Drive
Hearing Date: December 10, 2020
Owner: Tran Nguyen and Loan Tran
Agent: Lavender Mai
Official Plan Designation: Low Density Greenfield Residential
Zoning: Residential Single Detached (R.1B)

Request: The applicant is seeking relief from the By-Law requirements to permit:

- a) an existing accessory apartment size of 94.8 square metres, or 28 percent of the total floor area of the existing detached dwelling; and
- b) the existing driveway to have a maximum width of 8.85 metres.

By-Law Requirements: The By-Law requires that:

- a) 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; and
 - b) a driveway (residential) in an R.1B Zone shall have a maximum width of 6.5 metres.
-

Staff Recommendation

Approval of the following variance:

- a) an existing accessory apartment size of 94.8 square metres, or 28 percent of the total floor area of the existing detached dwelling.

Refusal of the following variance:

- b) the existing driveway to have a maximum width of 8.85 metres.
-

Recommended Conditions

None

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 variances meet the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B), according to Zoning By-law (1995)-14864, as amended, which permits a single detached dwelling with an accessory apartment. Residential driveway widths are regulated by the zoning by-law.

The applicant previously received approval for the existing accessory apartment in January 2019, subject to the condition of the driveway meeting the requirements of the Zoning By-law. The variance is considered null and void as the driveway condition has not been met. The applicant is now requesting a variance to permit the existing accessory apartment size of 94.8 square metres and a variance to permit the existing driveway width of 8.85 metres.

Accessory Apartment Size Variance:

An accessory apartment is a permitted use in the R.1B zone, subject to meeting the requirements of Section 4.15.1 of the Zoning By-law. Section 4.15.1.5 requires that an accessory apartment 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. The applicant is proposing to maintain the existing accessory apartment in the basement and requires a variance to permit the accessory apartment to have a floor area of 94.8 square metres. An accessory apartment of this size would occupy 28 percent of the gross floor area of the single detached dwelling.

The general intent and purpose of the Zoning By-law in requiring a maximum floor area for an accessory unit is to ensure that the unit is clearly subordinate and accessory to the primary use (host unit in the single detached dwelling). The accessory apartment represents 28 percent of the total floor area of the dwelling (including the basement). Based on floor plans submitted by the applicant, the apartment contains two (2) bedrooms, is interconnected to and is smaller than the host dwelling. Therefore, Planning staff are of the opinion that the accessory apartment is subordinate to the host dwelling unit and maintains the general intent and purpose of the Zoning By-law.

The requested variance maintains the general intent and purpose of the Official Plan and Zoning By-law, is considered desirable and minor in nature because the accessory dwelling unit is wholly contained within the dwelling and does not exceed 45 percent of the total floor area of the building.

Planning staff recommend approval of the minor variance to permit the existing accessory apartment size of 94.8 square metres.

Driveway Width Variance:

The R.1B Zone, by way of Section 4.13.7.2.1 permits a maximum driveway width of 6.5 metres. The general intent and purpose of driveway width regulations is to maintain residential streetscape character with hard and soft landscaping in the front yard, to ensure that driveways are an appropriate width and not excessively widened, to ensure that appropriate drainage and swales are provided, and that front yards are not dominated by parking.

The City of Guelph completed a Parking Standards Review in September 2019 that includes proposed maximum width driveway standard recommendations for the future Comprehensive Zoning By-law. The recommendation for driveway widths in the R.1B Zone is 50 percent of the width of the dwelling, or 6.5 metres, whichever is lesser. This is in line with the City's Urban Design Manual and conventional urban design principles which generally direct that driveways and garages should be generally limited to 50 percent of the width of the dwelling. It is noted that the maximum residential driveway width is 7.5 metres in the R.1A Zone.

Planning staff recommend refusal of the minor variance to permit the existing driveway width of 8.85 metres as it does not meet the intent of the zoning by-law, is not considered to be desirable for the appropriate development of the land and the width is not minor in nature.

Engineering Services

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit an existing accessory apartment size of 94.8 square metres, or 28 percent of the total floor area of the existing detached dwelling, and the existing driveway to have a maximum width of 8.85 metres.

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

Building Services

The property is located in the Residential Single Detached (R.1B) Zone. A minor variance application to maintain the existing accessory apartment size received approval at the January 10, 2019 hearing (file A-5/19), subject to a condition that the driveway width be in compliance with the Zoning By-law. The applicant has now submitted a new application to try to maintain the existing accessory apartment size as well as the existing non-complying driveway width of 8.85 metres.

Building Services agrees with Planning Services recommendation of refusal.

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