

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-95/24
Location: 39 Hayes Avenue
Hearing Date: December 12, 2024
Owner: North Peak Investments Inc.
Agent: Jolene Grossi, North of Design Ltd.
Official Plan Designation: Low Density Residential
Zoning Designation: RL.2 (Low density residential)

By-Law Requirements:

The property is located in Low Density Residential 2 (RL.2) Zone. Variances from Section 5.9(a) and (b), Table 6.3, Section 4.6.1(a) of Zoning By-law (2023)-20790, as amended, are being requested. The By-law requires:

- a) a minimum of 20% of the total required parking spaces for multi-unit buildings with 3 or more dwelling units and mixed use buildings on lots identified with a (PA) suffix shall be provided as electric vehicle parking spaces;
- b) a minimum of 80% of total required parking spaces for multi-unit buildings with 3 or more dwelling units, townhouse – cluster, stacked, stacked back-to-back, and mixed-use buildings shall be provided as designed electric vehicle parking spaces;
- c) a minimum interior yard setback of 1.2 metres;
- d) that for lots within the Older Built-Up Area Overlay, the minimum exterior side yard setback is the average of the established setbacks of the immediately adjacent lots, and where there is only one immediately adjacent lot or where the average of the setbacks of the adjacent lots cannot be determined, the minimum setback shall be 6 metres; and
- e) that on a corner lot in any zone, no building, structure, play equipment, statue, swimming pool, hot tub or parked motor vehicle may be located within the sight line triangle formed by joining the point of intersection to points on each street line, measured 9 metres from that point of intersection.

Request: The applicant is seeking relief from the requirements of Zoning By-law (2023)- 20790, as amended, to permit:

- a) 0 electric vehicle parking spaces;
- b) 0 designed electric vehicle parking spaces;
- c) a minimum interior yard setback of 1.2 metres for the proposed triplex;

- d) a minimum exterior yard setback of 1.2 metres for the proposed triplex; and
 - e) to permit part of the proposed triplex to be partially located within the site line triangle.
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Staff Recommendation

Deferral

Comments

Planning Services

The subject property is designated as "Low Density Residential" in the Official Plan. The "Low Density Residential" land use designation permits a range of housing types within the built-up area of the City, including single detached dwellings, duplexes, and triplexes. The proposed variances would facilitate the development of a permitted triplex per the land use designation.

The City's Official Plan also outlines 11 criteria for intensification proposals such as this one in section 9.3.1.1. Below is an evaluation of each of the 11 criteria:

1. Building form, scale, height, setbacks, massing, appearance and siting are compatible in design, character and orientation with buildings in the immediate vicinity.

"Compatible" development does not mean identical or even necessarily similar to the existing development in the immediate vicinity. "Compatible" development should fit into the neighbourhood without having a significant impact on the neighbouring properties that would impact their ability to use their property.

The proposed triplex is a permitted residential use in the RL.2 Zone as approved by City Council. The anticipated height of the triplex, 3 storeys, is permitted in the Zoning By-law and does not impede the enjoyment of the predominantly 1 to 2 storey residential neighbourhood. Elevation drawings of the triplex were provided indicating the general aesthetic design of the building to be in line with the current neighbourhood and would not impact the use of adjacent residential lands. In the opinion of staff, the building form, scale, height, massing, and general siting of the proposed development are compatible in design, character and orientation with the buildings in the immediate vicinity.

2. Proposals for residential lot infill will be compatible with the general frontage of lots in the immediate vicinity.

The triplex has frontage along Hayes Avenue for unit 1, with unit 2 and 3 facing onto the public laneway. The frontage along Hayes Avenue from unit 1 is in line with the existing surrounding residential dwellings, set back 6 metres from the street whereas most of the nearby properties are setback approximately 2 to 4 metres, with the two adjacent properties closer to 5 metres. The triplex extends

across most of the width of the frontage, ensuring that the street face is reinforced by the building facade.

3. The residential development can be adequately served by local convenience and neighbourhood shopping facilities, schools, trails, parks, recreation facilities and public transit.

The proposed development is within 800 metres (a 10 minute walk) of parks, a school, and shopping areas including a grocery store. There are several bus stops along York Road which is connected to Hayes Avenue.

4. Vehicular traffic generated from the proposed development will not have an unacceptable impact on the planned function of the adjacent roads and intersections.

Engineering staff have reviewed the proposal and did not have any concerns with the potential traffic generated by the proposed development.

5. Vehicular access, parking and circulation can be adequately provided and impacts mitigated.

The proposed development can accommodate 3 parking spaces on the lot. This meets the minimum parking requirements for the triplex outlined in the Zoning By-law and approved by City Council.

6. That adequate municipal infrastructure, services and amenity areas for residents can be provided.

Engineering staff have reviewed the proposal and did not have any concerns with the servicing required by the proposed development.

Surface parking and driveways shall be minimized.

The proposed driveway conforms with the maximum driveway width requirements in the 2023 Zoning By-law.

7. Development shall extend, establish or reinforce a publicly accessible street grid network to ensure appropriate connectivity for pedestrians, cyclist and vehicular traffic, where applicable.

The development does not alter the existing street grid network.

8. Impacts on adjacent properties are minimized in relation to grading, drainage, location of service areas and microclimatic conditions, such as wind and shadowing.

Engineering staff have included conditions to ensure grading and drainage concerns are adequately addressed. Should this application be approved, conditions recommended by engineering staff would require a stormwater management and functional servicing report and a grading and drainage plan to be prepared to the satisfaction of the General Manager and/or City Engineer prior to the issuance of building permit.

9. The development addresses public safety, identified public views and accessibility to open space, parks, trails and the Natural Heritage System, where applicable.

There are no public safety concerns or accessibility to natural heritage concerns with the proposal.

10. The conservation and integration of cultural heritage resources, including identified key public views can be achieved subject to the provisions of the Cultural Heritage Resources Section of this Plan.

The proposal has no impact on cultural heritage.

As the proposal would facilitate a permitted use within the Low Density Residential land use designation, and satisfies the above intensification criteria, staff are satisfied that the proposal conforms with the intent of the Official Plan.

The subject property is zoned "Low Density Residential 2" (RL.2) according to Zoning By-law (2023)-20790, which permits small multi-unit residential buildings including triplexes. Five variances are requested to permit the triplex, described below from a) to e).

Variances a) and b)

The first two variances are to permit a provision of 0 electric vehicle parking spaces and 0 designed electric vehicle parking spaces. The Zoning By-law requires in Section 5.9 (a) that at least 20% of the total spaces to be provided as electric vehicle spaces, and in Section 5.9 (b) that at least 80% of the total spaces to be provided as designed electric vehicle parking spaces, respectively, for buildings with 3 or more units. Given the relatively low number of parking spaces proposed (3 in total) compared to a larger development with more than 3 dwelling units, staff do not have concerns with providing zero of the required electric vehicle type spaces.

Variance c)

The third variance is to permit a minimum interior yard setback of 1.2 metres, which is the same as the minimum required setback in Table 6.3 Row C of the Low Density Residential 2 Zone. While the minimum requirement is being met, the Table 6.3 Row C provision is under appeal and therefore requires a technical minor variance to be put into effect. Staff have no concerns with this variance as it would bring into effect a portion of the Zoning By-law as originally approved by City Council back in April 2023.

Variance d)

The fourth variance is to permit an exterior yard setback of 1.2 metres, whereas the requirement is the average of the immediately adjacent lots or 6 metres where this cannot be determined. The intent of an exterior yard setback is to ensure development is appropriately spaced from the public right of way, to provide opportunities for landscaping, and to mitigate overdevelopment and preserve privacy towards adjacent properties. In the opinion of staff, the proposed exterior side yard setback reduction from 6 metres to 1.2 metres does not maintain the

general intent of the Zoning By-law and is not minor in nature. Greater effort can be made to reduce the unit size and bring the provided setback closer in conformity to the required setback. Doing so may also mitigate, or even eliminate, the need for variance e) for an intrusion into the 9 by 9 metre sight line triangle (examined below). Staff are therefore not supportive of the current setback proposed in the exterior side yard along the laneway.

Variance e)

The fifth variance is to allow a part of the triplex to be located within the 9 by 9 metre sight line triangle on the corner of Hayes Avenue and the public laneway. Sight line triangles are intended to be clear of obstructions that could block a driver's view of vehicles or pedestrians when entering a right of way for safety purposes. The location of the triplex would effectively reduce the size of the usable sight line triangle from the required 9 by 9 metre size to a triangle of 6 by 9 metres. In the opinion of staff, in practice the public laneway acts closer to a driveway given its smaller size (one lane in width) and orientation (perpendicular to other residential driveways along Hayes Avenue). Section 4.6.2 a) of the Zoning By-law states that a 4 by 5 metre sight line triangle is required at a driveway. Therefore, an effective sight line triangle of 6 by 9 metres is still adequate in the opinion of staff given that the laneway operates closer to a driveway which only requires a 4 by 5 metre sight line triangle. Staff note that this variance could be mitigated or avoided entirely if the applicant were to bring the exterior side yard setback closer in conformity with the Zoning By-law.

The proposed triplex is in line with the intensification criteria and intent of the Official Plan. Staff find variances a), b), c) and e) to be supportable with the Zoning By-law, but not variance d) for a minimum exterior side yard of 1.2 metres. It is not apparent why it would be unfeasible for the applicant to revise the proposal and increase the provided exterior side yard to bring variance d) closer in conformity. Doing so may also reduce or eliminate the need for variance e).

With the exception of variance d), staff are satisfied that the proposal is minor in nature and desirable for the appropriate development of the land given the proposed triplex is a residential use in residentially designated and zoned lands.

Staff recommend deferral for the applicant to revise the size of the units to bring the proposal closer to conformity with variance d), and by extension variance e) if possible.

Engineering Services

Engineering has reviewed the variance application and supports planning's request for deferral. Engineering has concerns about stormwater management on the site, and a larger exterior side yard setback would be preferred by engineering staff.

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

Should the committee wish to approve the variance application Engineering recommends adding the below noted conditions:

- That prior to the issuance of building permit, the owner(s) shall provide to the City, to the satisfaction of the General Manager/City Engineer, a stormwater management and functional servicing report for the lot that has been prepared in accordance with the City of Guelph's Development Engineering Manual.
- That prior to the issuance building permit, the owner(s) shall provide to the City, to the satisfaction of the General Manager/City Engineer, a grading and drainage plan for the lot that has been prepared in accordance with the City of Guelph's Development Engineering Manual.

Building Services

The subject property is zoned Low Density Residential 2 (RL.2) and is within the Older Built-up Area Overlay under Council approved Comprehensive Zoning By-law (2023)-2079, as amended. The RL.2 zone permissions include a single detached dwelling, semi-detached dwelling and a triplex. The applicant is proposing a triplex and is requesting to have 0 EV ready and designed parking spaces, an exterior side yard of 1.2 metres where a minimum 6 metre exterior side yard is required and a partial obstruction of the sight line triangle. The 1.2 metre interior side yard setback request is to bring an appealed regulation into effect.

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

Building Services supports Planning and Engineering recommendations

Comments from the Public

None

Contact Information

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