

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-26/20
Location: 49 Lynwood Avenue
Hearing Date: June 11, 2020
Owner: Vahid Tabtabaei-Khorasgani
Agent: S. Hamid Tabatabaei-Khorasgani
Official Plan Designation: Low Density Residential
Zoning: Residential Single Detached (R.1B)

Request: The applicant is seeking relief from the By-Law requirements to permit an accessory apartment size of 86 square metres, or 39 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

Recommended Conditions

None

Comments

Planning Services

The subject property is designated "Low Density Residential" in the City's Official Plan. The "Low Density 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.1B) 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.1B 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 86 square metres, or 39% of the total floor area of the existing single detached dwelling.

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 39% of the total floor area of the dwelling. Based on floor plans submitted by the applicant, the apartment contains one bedroom that is combined with the living room space on the main floor with a rec room and laundry room in the basement, 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 86 square metres in the single detached dwelling.

Engineering Services

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit an accessory apartment size of 86 square metres, or 39 percent of the total floor area of the existing detached dwelling.

We agree with recommendations made by Planning and Building staff.

Building Services

This property is located in a Residential Single Detached (R.1B) Zone. The applicant is proposing to maintain an accessory apartment with an area of 86 square metres (39 percent of the total gross floor area) in the basement of the existing detached dwelling.

Building Services does not object to this variance request to permit an accessory apartment with an area of 86 square metres in lieu of the permitted 80 square metres. The intent of the regulation is to keep the accessory unit subordinate to the main unit. The proposed accessory apartment will make up 39 percent of the total floor area and will therefore remain subordinate and in compliance with the secondary size check (which does not permit the accessory apartment to exceed 45 percent of the total floor area of the building).

Comments from the Public

Yes (See Attached)

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