

REPORT TO: Committee of Adjustment

DATE OF MEETING: October 18, 2022

SUBMITTED BY: Tina Malone-Wright, Interim Manager, Development Review
519-741-2200 ext. 7765

PREPARED BY: Julian Lee, Student Planner, 519-741-2200 ext. 7078

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: October 7, 2022

REPORT NO.: DSD-2022-451

SUBJECT: Minor Variance Application A2022-117 - 359 Guelph Street

RECOMMENDATION:

Zoning By-law 85-1

A. That Minor Variance Application A2022-117 for 359 Guelph Street requesting relief from:

- 1) Section 6.1.1.1 b) i) of Zoning By-law 85-1, to permit the required parking space to be located 0 metres from the street (property) line instead of the minimum required 6 metres; and
- 2) Section 6.1.1.1 b) ii) of Zoning By-law 85-1 to permit a driveway to have a maximum width of 9.1 metres instead of the maximum 50% or 8 metres, whichever is the lesser;

to legalize the parking configuration in the existing driveway, generally in accordance with the plan submitted with Minor Variance Application A2022-117, to facilitate the conversion of the existing single detached dwelling into a duplex dwelling, BE APPROVED.

Zoning By-law 2019-051

B. That Minor Variance Application A2022-117 for 359 Guelph Street requesting relief from:

- 1) Section 5.3.3 a) i) of Zoning By-law 2019-051, to permit the required parking space to be located 0 metres from the street (property) line instead of the minimum required 6 metres; and
- 2) Section 5.4, Table 5-3 of Zoning By-law 2019-051, to permit a driveway to have a maximum width of 9.1 metres instead of the maximum 6.2 metres (40% of lot width); and
- 3) Section 5.4 f) of Zoning By-law 2019-051, to permit a driveway to have a maximum width of 9.1 metres instead of the maximum permitted 8 metres;

to legalize the parking configuration in the existing driveway, generally in accordance with the plan submitted with Minor Variance Application A2022-117, to facilitate the addition of a new dwelling unit (ADU) (Attached) to the existing single detached dwelling, BE APPROVED subject to the following:

This minor variance shall become effective only at such time as Zoning By-law 2022-040 comes into force, pursuant to section 34 (30) of the Planning Act, R.S.O. 1990, c. P 13, as amended, at such time the variance shall be deemed to have come into force as of the final date of this decision.

REPORT HIGHLIGHTS:

- The purpose of this report is to review minor variances to Zoning By-laws 85-1 and 2019-051 to legalize the existing parking configuration to facilitate the conversion of the existing single detached dwelling into a duplex dwelling.
- The key finding of this report is that the requested minor variances meet the four tests of the Planning Act.
- There are no financial implications.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on the southerly side of Guelph Street, between Ellis Avenue and Ahrens Street West. The subject property is located within the Mount Hope Huron Park Neighbourhood and surrounded by predominantly low rise residential uses.



Photo of Subject Property

The purpose of the application is to request relief from:

- Zoning By-law 85-1 to permit the required parking space to be located 0 metres from the street (property) line instead of the minimum required 6 metres; to permit a driveway to have a maximum width of 9.1 metres instead of the maximum 50% or 8 metres, whichever is the lesser; and
- Zoning By-law 2019-051 to permit the required parking space to be located 0 metres from the street (property) line instead of the minimum required 6 metres; to permit a driveway to have a maximum width of 9.1 metres instead of the maximum 6.2 metres (40% of lot width); and to permit a driveway to have a maximum width of 9.1 metres instead of the maximum permitted 8 metres.

to legalize the existing parking configuration to facilitate the conversion of the existing single detached dwelling into a duplex dwelling.

Planning Staff conducted a site visit on September 29, 2022.

REPORT:

Planning Comments:

In considering the four tests for the minor variances as outlined in Section 45(1) of the Planning Act, R.S.O., 1990 Chap. P 13, as amended, Planning staff offers the following comments:

General Intent of the Official Plan

The subject property is identified as 'Community Areas' on Map 2 – Urban Structure and is designated 'Low Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan. The intent of the Low Rise Residential designation is to accommodate a diverse range of low rise housing types while maintaining the low density character of the neighbourhood. Official Plan policy 4.C.1.8 details criteria that should be considered where a minor variance is requested. Subsections 'b' and 'e' specify that the requested variances should ensure that "where front yard setback reductions are proposed for new buildings in established neighbourhoods, the requested front yard setback should be similar to adjacent properties and supports and maintain the character of the streetscape and the neighbourhood", and that "the lands can function appropriately and not create unacceptable adverse impacts for adjacent properties by providing both an appropriate number of parking spaces and an appropriate landscaped/amenity area on the site". Permitting the requested variances would facilitate the conversion of the subject property into a duplex, which is a permitted use in the land use designation and provide a form of gentle intensification in the community while preserving the built form of the property. Staff are of the opinion that the requested variances meet the intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the 6 metre setback from the street line for the required off-street parking in both Zoning By-law 85-1 and 2019-051 is to ensure that a vehicle can be safely parked without impacting City and public rights-of-ways or access for the surrounding properties. The required setback also ensures clear visibility lines when exiting the driveway. While 0 metres is a significant deficiency from zoning regulations, staff note that the existing parking configuration has functioned for several years without issue and that adjacent properties also maintain a similar off-street parking setback.

Recognizing the existing parking configuration will permit the proposed duplex use to provide a sufficient amount of off-street parking on site. As access to the subject property or adjacent properties is not impeded, Staff are of the opinion that the proposed variances meet the general intent of the Zoning By-laws.

Is/Are the Effects of the Variance(s) Minor?

The parking configuration has existed for a number of years and maintains a similar setback to the neighbouring property at 367 Guelph Street. While a 0 metre setback deficiency is discernible from the public realm, there are no anticipated impacts to the pedestrian right-of-way, parking requirements, or neighbouring properties. Staff note that the parking spaces are provided side-by-side rather than in tandem which is permitted for duplexes. Staff are of the opinion that the effects of the requested variances are minor in nature.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

The requested variances are desirable for the appropriate development and use of the land as it would facilitate the conversion of the existing single detached dwelling into a duplex dwelling while ensuring that an appropriate number of parking spaces for the subject property are provided.

Environmental Planning Comments:

No natural heritage or Tree Management Policy concerns.

Heritage Planning Comments:

No heritage concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance.

Engineering Division Comments:

Engineering has no concerns.

Parks/Operations Division Comments:

No comments.

Transportation Planning Comments:

Transportation Services have no concerns to legalize the existing parking conditions to support a zero (0) metre parking setback from the street (property) line and a wider driveway width.

Region of Waterloo Comments:

No comments.

GRCA Comments:

No concerns.

CN Rail Comments:

No comments.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information on the City's website or by emailing the Planning Division. A notice of the application was mailed to all property owners within 30 metres of the subject property.

PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*
- *Provincial Policy Statement (PPS 2014)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-laws 85-1 and 2019-051*

ATTACHMENTS:

Attachment A – Survey of Subject Property

Survey of Subject Property

