

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-18/23
Location: 12 Terry Boulevard
Hearing Date: July 13, 2023
(deferred at the April 13, 2023 hearing)
Owner: Arvind Pankhania
Agent: John Vanderwoerd, Vanderwoerd Drafting and Design
Official Plan Designation: Low Density Residential
Zoning Designation (1995)-14864: Residential Single Detached (R.1B) Zone
Zoning Designation (2023)-20790: Low Density Residential 1 (RL.1) Zone

Zoning By-Law (1995)-14864 Requirements: The By-law:

- a) requires that in a residential zone, the total ground floor area of all accessory buildings or structures shall not exceed 70 square metres; and
- b) requires that in a residential zone, an accessory building or structure shall not exceed 3.6 metres in height.

Zoning By-Law (2023)-20790 Requirements: The By-law requires:

- a) that the maximum total ground floor area of all accessory buildings or structures in a residential zone is 70 square metres; and
- b) that the maximum height of an accessory building or structure is 4 metres.

Request: The applicant is seeking relief from the requirements of both By-Laws to permit:

- a) a maximum total ground floor area of the proposed accessory building (detached garage) to be 83.7 square metres; and
- b) a maximum height of 4.1 metres for the proposed accessory building (detached garage).

Staff Recommendation

Approval

Comments

Planning Services

The subject property is designated "Low Density Residential" in the City's Official Plan. The "Low Density Residential" land use designation applies to residential areas within the built-up area of the city and permits a range of housing types including single detached dwellings and additional residential dwelling units (ARDUs) and associated accessory structures. The requested variances would facilitate the construction of a one-storey detached garage, which is a permitted use. Staff are satisfied that the proposal conforms with 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; and is zoned "Low Density Residential" (RL.1) in the Comprehensive Zoning By-law passed by Council on April 18th, 2023. The proposed detached garage would exceed the maximum total ground floor area of 70 square metres for all accessory buildings or structures and the maximum height of 4 metres for accessory structures, necessitating the proposed variances.

Variance A

Section 4.5.1.4 of the 1995 Zoning By-law and Section 4.5.2(a) of the 2023 Zoning By-law limit the ground floor area of all accessory buildings and structures to 70m² in residential zones. The intention of this provision is to prevent the overdevelopment of residential properties and to ensure there is adequate space for infiltration of rainwater into the soil. Considering an addition of a similar size could be constructed attached to the main dwelling staff are of the opinion that the proposed garage size meets the intent and purpose of the Zoning By-law.

Variance B

Section 4.5.2.1 of the 1995 Zoning By-law and Section 4.5.2(b) of the 2023 Zoning By-law specifies that the height of an accessory structure may not exceed a height of 3.6 metres and 4 metres respectively. The intent of this provision is to ensure that accessory structures do not have a significant impact on neighbouring properties considering the reduced minimum side and rear yard setbacks of 0.6 metres for accessory structures. As the proposed structure height of 4.1 metres would provide side and rear yard setbacks of 1 metre, staff are of the opinion that the proposed height would conform with the general intent and purpose of the Zoning By-law.

The proposed garage size and height would allow for increased storage space for the applicant and the increased impact on the neighbouring properties compared to a detached garage that complies with the maximum 70m² floor area and 4m height requirement would be minimal. Staff are of the opinion that the proposal is desirable for the appropriate development of the lands.

The proposed garage size represents a 19.5% increase compared to the maximum ground floor area of 70m². The proposed garage height represents a 2.5% increase

compared to the maximum accessory structure height of 4m in the 2023 Comprehensive Zoning By-law. Considering an addition could of a similar size would not require a variance if it were attached to the main dwelling and the structure exceeds the required setbacks for accessory structures staff are of the opinion that the proposal is minor in nature.

In the opinion of planning staff, the requested variances meet the general intent and purpose of the Official Plan, meet the general intent and purpose of the Zoning By-law, are desirable for the appropriate development of the lands and are minor in nature.

Staff recommend approval of the application.

Engineering Services

Engineering has no concerns with the requested variances. We agree with the recommendations made by Planning and Building staff.

Building Services

The subject property is zoned Residential Single Detached (R.1B) under Zoning By-law (1995)-14864, as amended and Low Density Residential 1 (RL.1) under council approved Comprehensive Zoning By-law (2023)-2079, as amended. Both zones permit a single detached dwelling and accessory buildings or structures. The applicant is proposing an 83.7 square metre detached garage with a maximum building height of 4.0 metres.

"Building Height" for the proposed gable style roof is measured as the vertical dimension between the average finished grade to the average height between the eaves and ridges. The measurement to the top of the roof is 4.4 metres.

A building permit is required prior to any construction of the new accessory structure, at which time requirements under the Ontario Building Code will be reviewed. Building Services notes for the applicant that new, unprotected openings are not permitted closer than 1.2 metres to the property line and require fire resistance ratings that meet the requirements of the OBC.

Staff notes for the applicant that motor vehicle repair is not permitted as a Home Occupation under General Provisions, Home Occupations Section 4.19.4 of Zoning By-law (1995)-14864, as amended and Section 4.15 of Comprehensive Zoning By-law (2023)-2079, as amended.

Building Services supports Planning and Engineering recommendations.

Comments from the Public

Yes (see attached)

Contact Information

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