

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-70/23
Location: 2071 Gordon Street
Hearing Date: October 12, 2023
Owner: Swarna and Satyanarayan Vurrabindi
Agent: Jeff Buisman, Van Harten Surveying Inc.
Official Plan Designation: Low Density Greenfield Residential
Zoning Designation (1995)-14864: City of Guelph, but subject to and zoned Agriculture (A) in the Township of Puslinch Zoning By-law
Zoning Designation (2023)-20790: Urban Reserve (UR.1) Zone

Township of Puslinch Zoning By-Law 19/85 Requirements:

The proposal complies with the Township of Puslinch Zoning By-law and does not require any variances to it.

Zoning By-Law (2023)-20790 Requirements:

The By-law requires:

- a) that the total ground floor area of all accessory buildings or structures shall not exceed 70 square metres for a property located in the UR.1 Zone; and
- b) that an accessory building or structure shall not exceed 4 metres in height.

Request:

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

- a) a maximum total ground floor area of all accessory buildings on the property of 82 square metres; and
- b) a maximum height of 5.2 metres for the proposed detached garage.

Staff Recommendation

Refusal: Variance b)

Approval with condition: Variance a)

Recommended Conditions

Planning Services

1. That prior to the issuance of a building permit or prior to undertaking activities which may injure or destroy regulated trees (whichever occurs first), the applicant shall prepare and submit a Tree Inventory and Preservation Plan (TIPP) as per the requirements of the City's Tree Technical Manual for approval to the General Manager of Planning and Building Services.
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Comments

Planning Services

The subject property is designated as "Mixed-use" in the Clair Maltby Secondary Plan. Lands within the "Mixed-use" land use designation are planned to consist of a mix of high density residential, commercial, institutional and office uses within a highly compact form of development that will contribute to the creation of focal points and transition areas. The Clair Maltby Secondary Plan is currently under appeal and its policies are not in full force and effect. The requested variances will facilitate the construction of a detached garage and do not preclude any future development of the lands once the Clair Maltby Secondary Plan is in full force and effect. Staff are satisfied that the requested variances do not conflict with the general intent and purpose of the Secondary Plan.

The subject property is zoned "Agriculture" (A) in the Township of Puslinch Zoning By-law 19/85 and is zoned "Urban Reserve 1" (UR.1) in Zoning By-law (2023)-20790, as amended. The applicant is proposing to construct an accessory building (detached garage) on the subject property. The proposal complies with the Township of Puslinch Zoning By-law and does not require any variances to it.

The UR.1 Zone permits legally existing uses, buildings and structures. Accessory buildings are permitted within the UR.1 Zone. Two variances are required to the 2023 Zoning By-law to facilitate the proposal.

Variance A

The applicant is requesting a variance to permit a maximum total ground floor area of all accessory buildings on the property of 82 square metres, whereas Section 15.3.1(a)(iv) permits a total ground floor area of all accessory buildings and structures to be a maximum of 70 square metres.

The general intent and purpose of regulations in the Zoning By-law related to maximum ground floor area of accessory buildings and structures is to prevent the over-development of the property with accessory buildings and structures. The subject property is approximately 0.5 hectares in size, with no other accessory buildings or structures. Due to the large size of the property, there are no concerns of over-development as the property is of a size that can accommodate an accessory building with an increased ground floor area. Staff are satisfied that the requested variance meets the general intent and purpose of the Zoning By-law.

The proposed detached garage would allow for increased storage space for the homeowner. Due to the large size of the property and mature tree coverage, the detached garage will be minimally seen from the street and from adjacent properties. The construction of a detached garage does not preclude any future development of the property and will not include any space for human habitation. Staff are satisfied that the requested variance is desirable for the appropriate development of the land and is minor in nature.

Staff recommend approval of variance A.

Variance B

The applicant is requesting a variance to permit a maximum building height of 5.2 metres for the accessory building (detached garage), whereas Section 15.3.1(a)(v) of the Zoning By-law permits an accessory building or structure to have a maximum height of 4 metres.

The general intent and purpose of the Zoning By-law related to maximum heights for accessory buildings and structures is to ensure that accessory buildings do not have a significant impact on neighbouring properties relating to overlook and privacy and also to ensure that accessory buildings remain subordinate/ancillary to the main use. The height of the main dwelling is 4.3 metres as noted on the application form and therefore the proposed accessory building would be almost 1 metre taller than the main dwelling and would not give the appearance of being subordinate or ancillary to the main dwelling. The requested variance does not meet the general intent and purpose of the Zoning By-law as it would allow an accessory structure to be taller than the main use (single detached dwelling). The requested variance is therefore not desirable for the appropriate development of the land and is not minor in nature.

Staff recommend that variance B be refused.

The site is over 0.2 hectares (0.5 acres) in size and therefore regulated under the City's Private Tree By-law. In accordance with the City's Urban Forest Management Plan and City Urban Forest Policies within the Official Plan, the development should seek opportunities to retain existing trees. A Tree Inventory and Preservation Plan, undertaken by a qualified arborist, in accordance with the requirements of the City's Tree Technical Manual will be required prior to the issuance of a building permit or undertaking any activities which may injure or destroy regulated trees. Please be aware that where preservation is not possible, as agreed to by the City, compensation is required either in the form of Cash in lieu or Replacement Trees, or a combination of the two at the discretion of City staff. A condition has been added to this effect.

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 Agriculture (A) in the Township of Puslinch Zoning By-law and Urban Reserve 1 (UR.1) under Council approved Comprehensive Zoning By-law (2023)-2079, as amended.

The applicant is proposing an 82 square metre accessory building with a 5.2 metre height. Height is measured to the midpoint of the roof line. The proposed structure has gabled windows, and the height will be measured to the midpoint of the gabled window roof line. The proposed building meets the Township of Puslinch zoning regulations.

A building permit is required prior to any 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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