

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-76/23
Location: 45 Armstrong Avenue
Hearing Date: November 9, 2023
Owner: Rob W. and Gwendolyn Taylor
Agent: N/A
Official Plan Designation: Low Density Residential
Zoning Designation (1995)-14864: Specialized Residential Single Detached (R.1C-3) Zone
Zoning Designation (2023)-20790: Low Density Residential 2 (RL.2) Zone

Zoning By-Law (1995)-14864 Requirements:

The By-law requires that an accessory structure shall not exceed 3.6 metres in height in a residential zone.

Zoning By-Law (2023)-20790 Requirements:

The By-law requires that the maximum height of an accessory structure is 4 metres in a residential zone.

Request: The applicant is seeking relief from the requirements of both By-laws to permit a maximum height of 5.63 metres for the proposed detached garage in the rear yard.

Please note that staff have determined that the proposed height of the accessory structure is 3.99 metres, and therefore a variance from Zoning By-law (2023)-20790 is not needed.

Staff Recommendation

Approval with Condition

Recommended Conditions

Building Services

1. That the height of the proposed accessory structure (detached garage) be limited to a maximum height of 4 metres.
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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, additional residential dwelling units (ARDUs) and associated accessory structures. The requested variance would facilitate the construction of a one-storey garage, which is a permitted use. Staff are satisfied that the proposed garage conforms with the general intent and purpose of the Official Plan.

The subject property is zoned "Specialized Residential Single Detached" (R.1C-3) according to Zoning By-law (1995)-14864, as amended; and is zoned "Low Density Residential" (RL.2) in the Comprehensive Zoning By-law (2023)-20790 passed by Council on April 18th, 2023. At a height of 3.99 metres to the midpoint of the roof, the proposed detached garage would exceed the permitted accessory structure maximum height of 3.6 metres in the 1995 Zoning By-law. A variance to the 1995 Zoning By-law is required to facilitate the construction of the garage. 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. The proposed garage height conforms with the maximum accessory structure height of 4 metres in the 2023 Comprehensive Zoning By-law. As the proposed structure height of 4.0 metres would provide a rear and side yard setback of 0.6 metres, staff are of the opinion that the proposed height would conform with the general intent and purpose of the 1995 Zoning By-law.

The proposed garage would allow for increased storage space for the applicant. The proposed height represents an 11% increase compared to the maximum accessory structure height of 3.6m in the 1995 Zoning By-law. Staff are satisfied with a maximum height increase of 0.4 metres to the 1995 By-law provisions for accessory structure height. There is no anticipated impact on neighboring properties considering the height of the proposed accessory structure is permitted in the 2023 By-law, and the minimum setbacks are met. Furthermore, the applicant has consulted the neighbors, who have expressed no concerns. Considering an addition of a similar size would not require a variance if it were attached to the main dwelling, and the structure meets the required setbacks, staff are of the opinion that the proposal is minor in nature.

In the opinion of planning staff, the requested variance meets the general intent and purpose of the Official Plan, the general intent and purpose of the Zoning By-law, and is desirable for the appropriate development of the lands and considered minor in nature.

Staff recommend approval of the application and agree with recommendations put forward by building and engineering staff.

Engineering Services

Engineering has no concerns with the requested variance.

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

Building Services

The subject property is zoned Specialized Residential Single Detached (R.1C-3) under Zoning By-law (1995)-14864, as amended and Low Density Residential 1 (RL.2) under Council approved Comprehensive Zoning By-law (2023)-2079, as amended. Both zones permit a single detached dwelling and accessory structures.

The applicant is proposing a detached accessory structure (garage). Building-Zoning staff note that height is measured to the midpoint of the roofline, which is 3.99 metres for the proposed accessory structure. Therefore, only a height variance to Zoning By-law (1995)-14864, as amended, is required. The proposed accessory structure meets the height, setback and yard coverage requirements of the 2023 Comprehensive Zoning By-law.

Building Services notes for the applicant that new, unprotected openings are not permitted on the building closer than 1.2 metres to the property line. Walls less than 1.2m to the property line require a 45 minute fire resistance rating. A building permit is required prior to construction, at which time requirements under the Ontario Building Code will be reviewed.

Building Services has no concerns with the requested variance, pending any approval decision is to permit a maximum height of 4 metres for the proposed accessory structure.

Comments from the Public

None

Contact Information

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