

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

| | |
|----------------------------------|---|
| Application Number: | A-11/24 |
| Location: | 19 Lynwood Place |
| Hearing Date: | February 8, 2024 |
| Owner: | Robert Nixon |
| Agent: | N/A |
| 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 property is located in the Residential Single Detached (R.1B) Zone. Variances from Sections 4.5.1.4 and 4.5.2.1 of Zoning By-law (1995)-14864, as amended, are being requested. The By-law requires that, in a residential zone:

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

Zoning By-Law (2023)-20790 Requirements:

The property is also located in the Low Density Residential 1 (RL.1) Zone. Variances from Sections 4.5.2(a) and 4.5.2(b) of Zoning By-law (2023)-20790, as amended, are being requested. The By-law requires that:

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

Request:

The applicant is seeking relief from the requirements of both Zoning By-laws to permit:

- a) a maximum total ground floor area of 104 square metres for the proposed detached garage and the existing shed on the subject property; and
- b) a maximum height of 4.2 metres for the proposed detached garage.

A revised public notice was issued on January 26, 2024 indicating that the proposed height of the detached garage was revised to be a maximum of 4.2 metres. A copy of the revised notice and site plan are attached.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Planning Services

1. That the proposed garage be constructed in general accordance with the public notice sketch.
 2. That the sheds not shown on the public notice sketch be removed to ensure compliance with the requested maximum accessory structure lot coverage of 104 square metres.
-

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 associated accessory structures. As the proposed use is permitted, staff are satisfied that the proposal conforms with the intent 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 2023 Comprehensive Zoning By-law. The proposed variances are required to facilitate the construction of the proposed accessory structure.

Variance A requests increased ground floor area of 104 square metres for accessory buildings. Section 4.5.1.4 of the 1995 Zoning By-law and Section 4.5.2(a) of the 2023 Zoning By-law limits the maximum total ground floor area of all accessory buildings or structures to 70 square metres for residential lots. The proposal requests a ground floor area of 104 square metres for accessory structures.

Variance B requests an increased maximum height of 4.2 metres for the proposed attached garage. Section 4.5.2.1 of the 1995 Zoning By-law and section 4.5.2(b) of the 2023 Zoning By-law limit the maximum height of accessory structures on residential lots to 3.6 metres and 4 metres respectively.

Variance A

The intent of the maximum ground floor area coverage for accessory structures is to ensure that the rear yards of residential properties do not become over-developed and significantly reduce the permeable area of the rear yard. This 70

square metre maximum was implemented with consideration to the 460 square metre minimum lot size permitted in the R.1B and RL.1 zones. The subject property in this case has a lot size of approximately 1,570 square metres. Taking this into consideration, the proposed accessory lot coverage of 104 square metres would represent a lot coverage of 6.6%.

For comparison, a lot with the minimum lot size of 460 square metres in the R.1B and RL.1 zone could have an accessory coverage of 70 square metres, representing a lot coverage of 15.2% without requiring a variance.

Staff are satisfied that the proposed accessory structure lot coverage of 104 square metres would allow for additional storage space on the property without being overdevelopment and without significantly reducing the permeability of the rear yard. For these reasons variance A is considered to meet the general intent of both the 1995 and 2023 Zoning By-laws, is desirable for the development of the property, and is minor in nature.

Staff note that there are two small sheds located in the rear yard that are not shown on the site plan submitted by the applicant. These small structures would count towards the accessory structure maximum ground floor coverage, and will need to be removed once the new garage is built in order to maintain compliance with the requested lot coverage of 104 square metres. Staff are recommending a condition to this effect.

Variance B

The intent of the required maximum accessory structure height of 3.6 metres in the 1995 Zoning By-law and 4 metres in the 2023 Zoning By-law is to ensure that accessory structures remain accessory in nature to the main dwelling and do not have a significant impact on neighbouring properties.

The variance request is to permit a maximum accessory structure height of 4.2 metres to facilitate the construction of the proposed garage. The proposed structure would be set back approximately 1.4 metres from the interior side yard lot line, and 3.9 metres from the rear lot line as per the applicant's site plan. Considering these setbacks exceed the required minimum side and rear yard setbacks of 0.6 metres for accessory structures, staff are satisfied that an accessory structure height of 4.2 metres would have little impact on neighbouring properties and would conform with the general intent of both the 1995 and 2023 Zoning By-laws.

The proposed height of 4.2 metres would not have a significant impact on neighbouring properties and would allow the garage to have a roof pitch matching the roof pitch of the existing house. Staff are of the opinion that the proposal is desirable for the appropriate development of the land and is minor in nature.

In the opinion of planning staff, the requested variances meet the general intent and purpose of the Official Plan and both Zoning By-laws, are desirable for the appropriate development of the lands and are minor in nature. Staff recommend approval of the application subject to the above noted conditions.

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 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. The applicant is proposing a 67.2 square metre detached garage with a proposed height of approximately 4.2 metres. The total area of existing and proposed accessory buildings on the property is 104 square metres, whereas the maximum permitted ground floor area of accessory buildings is 70 square metres. The applicant does not exceed 30% maximum yard coverage of accessory buildings, which is also a requirement under both by-laws.

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 application and supports Planning and Engineering recommendations.

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