

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-31/25
Location: 71 Ferndale Avenue
Hearing Date: March 27, 2025
Owner: Christopher Pegelo and Lindsay Schaefer
Agent: N/A
Official Plan Designation: Low Density Residential
Zoning Designation: Low Density Residential 1 (RL.1) Zone

By-Law Requirements:

The property is located in the Low Density Residential 1 (RL.1) Zone. Variances from Section 4.5.1 b) (i) and Section 4.5.2 b) of Zoning By-law (2023)-20790, as amended, are being requested. The By-law requires:

- a) that an accessory building may be located in a yard other than a front yard or required exterior side yard on a lot provided that not more than 30 percent of the yard is occupied; and
- b) that the maximum height of an accessory building is 4 metres.

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

- a) the proposed accessory building (detached garage) to occupy a maximum of 34.5 percent of the rear yard; and
- b) the proposed accessory building (detached garage) to have a maximum height of 4.68 metres.

Staff Recommendation

Approval: Variance b)

Refusal: Variance a)

Comments

Planning Services

The subject property is designated as "Low Density Residential" in the Official Plan. The "Low Density Residential" land use designation permits a range of residential

uses, including detached, semi-detached, and duplex dwellings, as well as associated accessory buildings to such dwellings. The application proposes a new detached garage to the existing single detached dwelling. As the variances would allow for a permitted accessory structure, staff are satisfied that the proposal conforms with the Official Plan.

The subject property is zoned as "Low Density Residential 1" (RL.1) according to Zoning By-law (2023)-20790, as amended. This zone likewise permits a variety of residential uses, including single detached dwellings and associated accessory buildings. The application proposes two variances to permit a detached garage, as described:

Variance a)

Variance a) is to permit a maximum yard coverage of 34.5 percent for the detached garage, whereas a maximum of 30 percent is permitted. The intent of a maximum yard coverage provision is to ensure that adequate amenity space is provided, space for groundwater infiltration is available, and to ensure that accessory structures remain accessory in nature and to prevent overdevelopment on a lot. Engineering staff have not indicated a concern with the proposal. The size of the proposed garage, 69.49 square metres, is about the maximum permitted for a residential accessory building at 70.0 square metres. In the opinion of staff the yard coverage proposed does not meet the intent of keeping the detached garage accessory in nature with the main dwelling. The main dwelling appears to be 1 storey in height. With the size of the garage in relation to the coverage of the rear yard and size of the main dwelling, combined with variance b) for additional height for the garage, staff do not agree that variance a) is minor to in keeping the detached garage accessory in nature. It should also be noted that the 30 percent yard coverage provision was re-reviewed as part of the "Four Dwelling Units on a Lot" zoning by-law amendment now in effect as of January 2025, and the coverage percentage remained the same. Staff note no minimum distance is required between the garage and the main dwelling within the Zoning By-law.

Variance b)

Variance b) is to permit a maximum height of 4.68 metres for the detached garage, whereas a maximum of 4.0 metres is permitted for residential accessory buildings. The intent of a maximum height provision is to ensure the garage remains accessory in nature to the main dwelling and to prevent overdevelopment on a lot. The applicant is providing an increased rear and side yard setback of 1.2 metres for the garage, whereas the requirement is a minimum of 0.6 metres. Staff support variance b) as the increased setback provided is reflective of an increase in height to allow for enough space to adjacent properties. Further, as building height in this case is measured from grade to the midpoint of the gable roof, an increase in 0.68 metres in height does not in practice result in a full build out of the structure, rather a pointed roof that does not occupy the full width of the building. Staff are satisfied that variance b) is minor in nature and desirable for the appropriate development of the land.

Staff recommend approval of variance b) for increased maximum height but do not support variance a) for increased maximum yard coverage for the detached garage. The maximum yard coverage provision is set at a percentage to ensure that an appropriate ratio of built form to amenity space is being provided, and so a smaller lot and smaller rear yard should accommodate a smaller sized accessory building, to be considered as desirable for the appropriate development of the lands.

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 Low Density Residential 1 (RL.1) under Council approved Comprehensive Zoning By-law (2023)-2079, as amended with permitted uses including a single detached dwelling, semi-detached dwelling, accessory dwelling units (ADU'S) and accessory buildings.

The proposed 69.5m² building would have a 34.5 percent rear yard lot coverage and a height of 4.68 metres. Height is measured to the midpoint of the roofline.

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

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