

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-69/25
Location: 279 Kathleen Street
Hearing Date: July 10, 2025
Owner: Farzad Dehghanpour and Mahboubeh Bahreini
Agent: N/A
Official Plan Designation: Low Density Residential and Significant Natural Area
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 and Older Built-Up Area Overlay. Variances from Section 4.5.1(b)(ii) of Zoning By-law (2023)-20790, as amended, are being requested.

- a) the By-law requires that an accessory building is setback a minimum of 0.6 metres from any lot line.

Request:

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

- a) a minimum setback of 0.41 metres from the rear and right side lot lines for the existing accessory building (shed) in the rear yard of the subject property; and
 - b) a minimum setback of 0.41 metres from the rear and left side lot lines for the proposed accessory building (shed) in the rear yard of the subject property.
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Staff Recommendation

Approval with Conditions

Recommended Conditions

Planning Services

1. Prior to the issuance of the Certificate of Official (if applicable) and/or prior to undertaking activities which may injure or destroy regulated trees, the applicant shall submit a Tree Inventory and Preservation Plan (TIPP) undertaken by a Certified Arborist, in accordance with the requirements of the City's Tree Technical Manual and to the satisfaction of the General Manager of Planning and

Building Services. Issuance of a Tree Injury or Removal Permit by the City may be required prior to any works taking place on the subject property.

2. That the proposed shed and existing shed match the general size and location shown in the submitted site plan sketch to the satisfaction of the General Manager of Planning and Building Services.

Engineering Services

3. That prior to the issuance of the building permit, the owner(s) shall provide to the City, to the satisfaction of the General Manager/City Engineer, a grading and drainage plan for the property that has been prepared in accordance with the City of Guelph's Development Engineering Manual.
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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 housing types within the built-up area of the City, including single detached dwellings and associated accessory structures. As the requested variances would allow for permitted accessory structures (sheds), staff find that the proposal conforms with the intent of the Official Plan.

The subject property is zoned "Low Density Residential 1" (RL.1) according to Zoning By-law (2023)-20790, which likewise permits single detached dwellings and accessory structures. The variance requested is to permit reduced minimum rear and side yard setbacks of 0.41 metres for one proposed and one existing shed, whereas the requirement is a minimum of 0.6 metres of setback to any lot line for an accessory structure. The intent of a minimum accessory structure setback is to ensure adequate space is provided to perform maintenance on the structure and along the property lot line. In the opinion of staff, 0.41 metres is adequate to fulfill the intent of the zoning provision and would allow for the proposed shed to match the setbacks of the existing shed.

Staff note that per the Zoning By-law a maximum of 30% of a yard may be occupied by accessory structures. Staff have no concerns with the coverage in the rear yard, as pools, driveways, and decks do not contribute to the 30% coverage requirement. There are also no zoning provisions requiring minimum distances between a pool and shed. The proposed shed is no more than 2.74 metres in height and conforms under the 4.0 metre maximum accessory structure height (under appeal per the 2023 Zoning By-law) and under the 3.6 metre maximum height (1995 Zoning By-law).

Staff are satisfied that the proposal is minor in nature and desirable for the appropriate development of the land. The sheds can still be maintained with the proposed reduction in rear and side setbacks and otherwise conform with all other applicable zoning regulations. Staff recommend approval of the application and are including a condition to help ensure the location of the sheds shown on the site plan.

The City's Private Tree Protection By-law regulates trees 10 centimetres and larger in diameter (measured at 1.4 metres above the ground) on private property larger than 0.2 hectares and trees 30 centimetres and larger in diameter (measured at 1.4 metres above the ground) on all private property. Therefore, staff recommend that the above mentioned Tree Inventory and Preservation Plan condition be imposed. Please be aware that where preservation is not possible, as agreed to by the City, compensation is required either in the form of Replacement Trees or a Replacement Tree Fee, or a combination of the two at the discretion of City staff. Related fees rates are set out in the City's User Fees Bylaw, while Replacement Tree rates are set out in the Tree Technical Manual (TTM).

Engineering Services

Engineering has reviewed the requested variance and recommend the above noted condition. We agree with the recommendations made by Planning and Building staff.

Building Services

The subject property is zoned Low Density Residential 1 (RL.1) and is within the Older Built-up Area Overlay under Council approved Comprehensive Zoning By-law (2023)-2079, as amended. The applicant is proposing a 0.41m rear yard setback for an existing shed and a 0.41m interior side yard and rear yard setback for a newly proposed shed. Zoning services notes that the newly proposed shed can meet the minimum setback of 0.6m to the interior side and rear yards.

A building permit is required for the proposed detached, one-storey storage shed that exceeds 15 square metres (161 square feet) 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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