

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-43/23
Location: 12 Mollison Court
Hearing Date: July 13, 2023
Owner: Jennifer and Derek Henderson
Agent: Matt Kocher, CHART
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 By-law requires an uncovered porch not more than 1.2 metres above finished grade to have a minimum setback of 0.6 metres from the side lot line.

Zoning By-Law (2023)-20790 Requirements:

The By-law requires an uncovered porch not more than 1.2 metres above finished grade to have a minimum setback of 0.6 metres from an interior side yard lot line.

Request:

The applicant is seeking relief from the requirements of both By-Laws to permit the existing uncovered porch (deck) located at the rear of the subject property to have a minimum setback of 0.09 metres from the left side yard lot line.

Staff Recommendation

Approval

Comments

Planning Services

The subject lands are designated as "Low Density Residential" in the 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. The requested variances will permit the existing uncovered porch (deck) located at the rear of the

subject property, which is a permitted use. Staff are satisfied that the proposal conforms with the general intent and purpose of the Official Plan.

The subject lands are zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended; and are zoned "Low Density Residential" (RL.1) in the Comprehensive Zoning By-law passed by Council on April 18, 2023. The existing uncovered porch has a legal non-complying side yard setback of 0.09 metres at its nearest point. The proposed variances would address the minimum setback requirement for the existing uncovered porch (deck).

The variances requested would permit a minimum side yard setback of 0.09 metres for the existing porch, whereas Table 4.7 Row 1 of the 1995 Zoning By-law requires a minimum side yard setback of 0.6 metres and Table 4.7.6B of the 2023 Comprehensive Zoning By-law also requires a minimum side yard setback of 0.6 metres. The intent of these provisions is to prevent potential drainage issues where runoff is directed onto neighbouring properties. The structure has existed for several years with no issue and the structure's runoff is directed away from the lot lines. Staff are satisfied that the proposal conforms with the general intent of both the 1995 Zoning By-law and the 2023 Comprehensive Zoning By-law.

The requested variances would permit the existing uncovered porch (deck) in the rear of the property and would have little impact on the streetscape and neighbouring properties. Staff are satisfied that the proposal is minor in nature and is desirable for the development of the land.

The requested variances meet the general intent and purpose of the Official Plan and Zoning By-law, are desirable for the appropriate development of the land and are minor in nature.

Staff recommend approval of the application.

Engineering Services

Engineering has reviewed the application, staff conducted a site inspection, and reviewed the existing drainage patterns against the overall grading plan for the subdivision. It appears that the drainage patterns are maintained and will continue to function to provide a positive drainage flow. 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. Both zones permit a single detached dwelling. The applicant is requesting a reduced setback of 0.09 metre to the left side lot line for an existing deck. Both by-laws require an uncovered porch not more than 1.2 metres above finished grade to have a minimum setback of 0.6 metres from an interior side yard lot line.

The drawing shows a replacement fence around the pool. The applicant/owner shall be aware that a building permit is required for fence replacements and new gates surrounding pools. Please see: <https://guelph.ca/living/house-and-home/pools-and-hot-tubs/>.

Building Services supports Planning and Engineering recommendations.

Comments from the Public

None

Contact Information

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