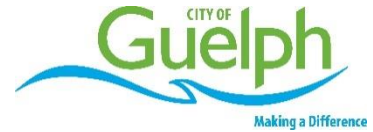


Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-46/23
Location: 261 Arthur Street North
Hearing Date: July 13, 2023
Owner: Carolyn and Melody Incledon
Agent: Ian Chan, Exhibition Builder and Co. Ltd.
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 more than 1.2 metres above finished grade, to be no higher than the main floor/entry level of the dwelling.

Zoning By-Law (2023)-20790 Requirements:

The By-law requires an uncovered porch more than 1.2 metres above finished grade, to be no higher than the main floor/entry level of the dwelling.

Request:

The applicant is seeking relief from the requirements of both By-Laws to permit the proposed uncovered porch to be 3.35 metres above finished grade, exceeding the height of the main floor entry level of the dwelling.

Staff Recommendation

Approval

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 additional residential dwelling units (ARDUs), and associated accessory structures. The requested variances would facilitate the

construction of a second storey rooftop deck with exterior stairs. Staff are satisfied that the proposal conforms with the general intent and purpose 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 Comprehensive Zoning By-law passed by Council on April 18th, 2023. The proposed uncovered porch would be higher than the main floor level, necessitating the proposed variance. Staff note that if there were no exterior stairs present the rooftop deck would be considered a balcony rather than an uncovered porch and no variance would be required.

Table 4.7 Row 2 of the 1995 Zoning By-law and Section 4.7.7 of the 2023 Zoning By-law specifies that an uncovered porch more than 1.2 metres above finished grade may not be higher than the main floor/entry level of the dwelling. The intent of this provision is to prevent excessively high decks that overlook neighbouring properties, especially considering the reduced minimum side yard setbacks for decks. The side yard setback of the proposed uncovered porch is 3 metres from the edge of the exterior stairs to the side lot line and would have no greater impact on the privacy of the neighbouring properties than an enclosed addition with windows in the same location. The steep grade increase towards the rear of the lot further mitigates any impact that the uncovered porch may have on the neighbouring properties to the rear. For these reasons staff are satisfied that the proposal meets the intent and purpose of the Zoning By-law.

The proposed uncovered porch would allow for greater utilization of the subject property and would provide a safe alternative access to the structure while maintaining appropriate setbacks to neighbouring lots. Staff are of the opinion that the proposed variances are desirable for the appropriate development of the lands and minor in nature.

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. Both zones permit a single detached dwelling. The applicant is proposing an uncovered porch (deck) with stairs which is accessed by the second storey of the dwelling. Uncovered porches/decks are permitted to be above 1.2 in grade if they are accessed by the main floor. Balconies are permitted on the second storey, but without stairs that connect to grade. The proposed uncovered porch/deck exceeds the required setbacks for both a balcony and an uncovered porch/deck.

A building permit is required prior to the construction of the new structure, 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

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