

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-87/23
Location: 110 Beechwood Avenue
Hearing Date: December 14, 2023
Owner: Steven and Allison Tebby
Agent: Shawntanna Atkinson, Hickory Dickory Decks
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:

Variances from Table 4.7 Row 1 of Zoning By-law (1995)-14864, as amended, are being requested. The By-law requires:

- a) that an uncovered porch not more than 1.2 metres above finished grade have a maximum projection into the required front yard of 3 metres; and
- b) that stairs associated with an uncovered porch have a minimum setback of 0.8 metres from the front lot line.

Zoning By-Law (2023)-20790 Requirements:

Variances from Table 4.7.6A of Zoning By-law (2023)-20790, as amended, are being requested. The By-law requires:

- a) that an uncovered porch not more than 1.2 metres above finished grade have a maximum projection into the required front yard of 3 metres; and
- b) that stairs associated with an uncovered porch have a minimum setback of 0.8 metres from the front lot line.

Request:

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

- a) the proposed uncovered porch not more than 1.2 metres above finished grade to have a maximum projection of 6 metres into the required front yard;
- b) the stairs associated with an uncovered porch to have a minimum setback of 0 metres from the front lot line.

Staff Recommendation

Approval

Comments

Planning Services

The subject property is designated as "Low Density Residential" in the Official Plan. The "Low Density Residential" land use designation applies to residential areas within built-up areas of the City. The designation permits a broad range of housing types, including single detached dwellings. The requested variances will facilitate the construction of a new uncovered porch with stairs at the front of the existing single detached dwelling. The requested variances are considered to meet 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) according to Zoning By-law (2023)-20790, as amended. The applicant is proposing to construct a new uncovered porch with stairs at the front of the existing dwelling. Two variances to the 1995 Zoning By-law and to the 2023 Zoning By-law are required to facilitate the proposal.

Variance A

The applicant is requesting a variance to permit a maximum porch projection of 6 metres into the required front yard for an uncovered porch not more than 1.2 metres above finished grade. Table 4.7 Row 1 of Zoning By-law (1995)-14864 requires a maximum projection of 3 metres into the required front yard for an uncovered porch not more than 1.2 metres above finished grade. Table 4.7.6A of Zoning By-law (2023)-20790 requires a similar maximum projection of 3 metres into the required front yard for an uncovered porch not more than 1.2 metres above finished grade.

The general intent and purpose of both Zoning By-laws relating to maximum front porch projections is to allow for a consistent streetscape and to protect the public right-of-way. The subject property is located in an older built-up area of the City. Historically, dwellings are built closer to the street in older built-up areas. Due to the location of the subject property in an older built-up area, it is Planning staff's opinion that the proposed front porch addition will contribute to a consistent streetscape. Additionally, due to the wide City right-of-way along Beechwood Avenue, the proposed uncovered porch and stairs will be located approximately 3.17 metres from the sidewalk. This will result in adequate room for the protection of the public right-of-way. The requested variances are considered to meet the general intent and purpose of both Zoning By-laws.

The proposed uncovered porch and stairs would allow for the residents to have access to the front door, which is elevated from the ground. The proposed uncovered porch and stairs will replace an existing uncovered porch and stairs. The proposed front porch and stairs will not impede any sight line triangles on the

property. Additionally, the proposed porch and stairs are compatible with the character of the neighbourhood. It is Planning staff's opinion that the requested variances are considered to be minor in nature and appropriate for the development of the land.

Staff recommend approval of variance A.

Variance B

The applicant is requesting a variance to permit an uncovered front porch to have a minimum setback of 0m from the front lot line. Table 4.7 Row 1 of Zoning By-law (1995)-14864 requires a minimum setback from the front lot line of 0.8 metres for stairs associated with an uncovered porch. Similarly, Table 4.7.6A of Zoning By-law (2023)-20790 requires a minimum setback from the front lot line of 0.8m for stairs associated with an uncovered porch.

The general intent and purpose of both Zoning By-laws related to front yard setbacks is to allow for consistent streetscapes, to ensure area for possible landscaping, and to ensure the protection of the public right-of-way. The subject lands are within an older built-up area of the City, where front yard setbacks are determined by the average front yard setback of adjacent properties. Historically, dwellings in older built-up areas of the City are built closer to the street. The existing dwelling has an approximate front yard setback of 2.71 metres to the lot line. The proposed setback for the uncovered porch and stairs of 0 metres is generally consistent with the existing streetscape. There is an additional City right-of-way between the property line and the sidewalk of approximately 3.17 metres. This allows for adequate room for landscaping while having little to no impact on the public right-of-way. The requested variances are considered to meet the general intent and purpose of both Zoning By-laws.

The proposed uncovered porch and stairs would allow for the residents to access the front door of the existing single-detached dwelling, which is elevated from the ground. The proposed uncovered porch and stairs will replace an existing uncovered porch and stairs. It is of staff's opinion that the proposed front yard setback is compatible with the character of the existing neighbourhood, where dwellings are often situated closer to the street. Additionally, the proposed front yard setback will not impede any sight line triangles on the site. The requested variances are considered to be minor in nature and appropriate development for the land.

Staff recommend approval of variance B.

The subject property is less than 0.2 hectares in size and therefore not regulated by the Private Tree Bylaw. Issuance of a Tree Permit from Planning Services is not required.

However, there is a City owned trees fronting Beechwood (85cm Norway Maple) that may be impacted by the proposed. Consistent with the Official Plan, trees and shrubs that are within the City's right-of-way need to be appropriately considered and protected during any type of construction/works within the dripline. Protection must be optimized as injury or destroying such a tree may not be granted by the City. Any proposal to injure or destroy a tree must be accompanied by a Tree

Inventory and Preservation Plan, to the satisfaction of the General Manager of Parks. Please contact Timea Filer, Forestry Technologist at (519) 822-1260 x3352.

Requested variances A and B are considered to meet the general intent and purpose of the Official Plan, the general intent and purpose of both Zoning By-laws, are minor in nature, and are appropriate development for the land.

Staff recommend approval of the application.

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 property is also within the older built-up area of the City where many dwellings have legal non-complying front yard setbacks that are closer to the property line. The dwelling has a 3 metre setback to the front property line.

The applicant is proposing to remove the existing front porch and steps and construct a new front porch with stairs. The stairs will now have a pedestrian connection from the sidewalk whereas the existing stairs have a pedestrian connection to the driveway. The new front porch has a smaller footprint and front yard setback than the existing front porch and is proposed to have a 1.14m setback from the front property line. The stairs from the porch have a proposed setback of 0 metres from the front property line.

Building Services notes for the applicant that the new porch requires a building permit since it is over 0.6m in height and/or is attached to the main dwelling. A building permit is required prior to the construction, at which time requirements under the Ontario Building Code will be reviewed.

Building Services has no concerns with the requested variances and supports Planning and Engineering recommendations.

Comments from the Public

None

Contact Information

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