

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-30/25
Location: 42 Bristol Street
Hearing Date: March 27, 2025
Owner: Katelyn Evans and Naveen Sivakumar
Agent: N/A
Official Plan Designation: Low Density Residential
Zoning Designation: Low Density Residential 1 (RL.1) Zone and Special Policy Area Overlay and Older Built-Up Area Overlay

By-Law Requirements:

The property is located in the Low Density Residential 1 (RL.1) Zone and Special Policy Area Overlay and Older Built-Up Area Overlay. Variances from Table 4.7.6A of Zoning By-law (2023)-20790, as amended, are being requested. The By-law requires:

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

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

- a) a minimum setback from the front lot line of 0 metres for the proposed uncovered front porch and exterior stairs; and
- b) a maximum projection of 4.2 metres into the required front yard for the proposed uncovered front porch and exterior stairs.

Staff Recommendation

Approval with Condition

Recommended Condition

Building Services

1. That prior to the issuance of any building permit the owner(s) shall enter into, or amend any existing, encroachment agreement(s) in accordance with City Lands Encroachments By-law (2009)-18799 as may be amended from time to time, or any successor By-law(s) thereto, at the discretion of the City and to the satisfaction of the City Solicitor, for any and all actual or proposed encroachments within the City's right of way.
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Comments

Planning Services

The subject property is designated "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 that are predominantly low-density in character. This land use designation permits a range of housing types including single detached dwellings. The applicant is proposing to replace the existing Ontario Building Code noncompliant front stairs with an uncovered front porch and stairs. A concept site plan has been provided indicating the location and dimensions of the proposed porch and stairs. As the requested variances are to permit an exterior renovation on lands permitting residential uses, staff are of the opinion that the requested variances maintain the general intent and purpose of the Official Plan.

The subject lands are zoned "Low Density Residential" (RL.1) in Zoning By-law (2023)-20790. The applicant has requested two variances to facilitate the proposed exterior renovation. The first variance is to permit a minimum front yard setback of 0 metres, whereas a minimum of 0.8 metres is required for an uncovered porch not more than 1.2 metres above finished grade and exterior stairs. The second variance is to permit a maximum projection of 4.2 metres into the required front yard for the same porch and stairs, whereas a maximum projection of 3 metres is permitted.

The intent of the required minimum front yard setback is to ensure that consistent street frontage is maintained by all structures built along the street and that there is adequate spacing from the right of way. Similarly, the intent of the maximum front yard projection is to ensure there is adequate spacing to limit obstructions within the sight line triangle for the safety of pedestrians and cyclists. The subject property is in an older neighbourhood where most dwellings are located less than 6 metres from the front lot line. A grassy boulevard approximately 8 metres in width separates the curb of Bristol Street from the front lot line, mitigating the impact of the reduced setbacks. The proposed uncovered porch and stairs are consistent with the existing character of adjacent neighbouring properties and would have negligible impact on the streetscape.

Landscape Planning staff have noted that the subject property is less than 0.2 hectares in size and therefore not regulated by the Private Tree Bylaw. However, is a City owned tree fronting Bristol Street and consistent with the Official Plan, trees and shrubs within the City's right-of-way need to be appropriately considered and protected during any type of construction/works within the dripline. Protection of City trees must be optimized as injury or destroying a City 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.

In the opinion of staff, the requested variances maintain the general intent and purpose of the Official Plan and Zoning By-law, are desirable for the appropriate development of the lands, and are minor in nature. Staff recommend approval of the application.

Engineering Services

Bristol Street was reconstructed in 2018 through City Contract 2-1713, and the drawings from that project provide the details regarding the location of the subject property's water service. It is staff's understanding that an Encroachment Agreement is required to permit the portions of the uncovered porch and stairs to be situated on the city's right-of-way. While the prospective Encroachment Agreement would provide the specific agreement details pertaining to the encroachment, for consistency, staff requested that the materials submitted for this application confirm the intent to maintain access to the shut off valve, which has been demonstrated on the submitted sketch.

Engineering has no concerns with the requested variance. We agree with the recommendations made by Planning and Building staff.

Building Services

The subject lands are zoned Low Density Residential 1 (RL.1) Zone and are within the Special Policy Area Overlay and Older Built-Up Area Overlay under Council approved Comprehensive Zoning By-law (2023)-2079, as amended. The applicant is proposing an uncovered porch not more than 1.2 m above finished grade in the front yard which is partially located within the right-of-way. The porch meets the minimum 0.8m setback from the side lot lines and has been demonstrated on the site plan to be outside of driveway sightline triangles.

Any structure within the right-of-way will require an encroachment agreement with the City prior to the issuance of a building permit. 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 with the requested condition.

Comments from the Public

Yes (See Attached)

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