

# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: A-32/25 and A-33/25  
Location: 25 and 27 Alice Street  
Hearing Date: March 27, 2025  
Owner: Anthony Cotroneo (25 Alice Street);  
Daniel Cotroneo (27 Alice Street)  
Agent: Claudio Balbinot, Agora Research Group Inc.  
Official Plan Designation: Low Density Residential  
Zoning Designation: Low Density Residential 2 (RL.2) Zone

## By-Law Requirements:

The properties are located in the Low Density Residential 2 (RL.2) Zone and Special Policy Area Overlay and Older Built-up Area Overlay. Variances from Table 4.7.5 and Table 4.7.7 of Zoning By-law (2023)-20790, as amended, are being requested. The By-law requires:

- a) a minimum front yard setback of 2 metres and a maximum projection of 2.4 metres into the required yard for an open, roofed porch not exceeding 1 storey in height; and
- b) a minimum rear yard setback of 0.6 metres for an uncovered porch above 1.2 metres to a maximum height not exceeding the main floor/entry level.

## Request:

### Files A-32/25 and A-33/25 – 25 Alice Street and 27 Alice Street

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

- a) the proposed open, roofed front porch exceeding 1 storey in height to be located on the second storey of the proposed semi-detached dwelling; and
- b) the proposed rear uncovered porch above 1.2 metres with stairs to be located on the second storey of the proposed semi-detached dwelling.

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## Staff Recommendation

### Approval

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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 residential uses, including detached, semi-detached, and duplex dwellings. The application proposes a new semi-detached dwelling. As the variances would allow for a permitted residential use under the Low Density Residential land use designation, staff are satisfied that the proposal conforms with the Official Plan.

The subject property is zoned as "Low Density Residential 2" (RL.2) according to Zoning By-law (2023)-20790, as amended. This zone likewise permits a variety of residential uses, including semi-detached dwellings. The application proposes two variances for the semi-detached dwelling.

The first variance is to permit in the front yard an open, roofed front porch exceeding 1 storey in height to be located on the second storey, and the second variance is to permit in the rear yard an uncovered porch above 1.2 metres with stairs likewise on the second storey. For both variances, the key difference from the Zoning By-law requirements is that both of the proposed front and rear porches will be on the second storey. The Zoning By-law currently does not have regulations for second storey porches and therefore a variance is needed to permit the porches under the current provisions. Both front and rear porches as proposed would conform to the maximum projections and minimum rear, interior side, and front setbacks respectively for porches if they were on the first storey. The rear porch in particular would also meet the minimum setback to the lot lines and maximum projection if it were technically recognized as a balcony (with no stair access). Therefore, staff do not have a concern with the proposed porches. Regarding potential privacy concerns, with the proposed dwelling being a permitted three storeys in height, there would not likely be any more reduction in privacy from the second storey porches than what would be present through the third storey windows. For these reasons, staff find that the variances requested conform with the intent of the Zoning By-law.

Staff would like to acknowledge that the property was previously approved for a Zoning By-law amendment in 2023, where the original plans for the dwelling indicated a 2 storey structure. Staff note that 3 storeys are permitted for the property as-of-right even prior to the amendment application. The subject property is in a Special Policy Area overlay within a regulatory floodplain per Schedule B-9 of the Zoning By-law and is subject to special rules and floodproofing requirements. In this case per Section 16.2.3, Residential Intensification, a basement is only permitted in instances where the elevation of the basement floor is greater than the elevation of 1 metre below the regulatory flood level.

Staff are satisfied that the proposal is minor in nature and desirable for the appropriate development of the lands. The variances will address an omission for second storey porches to facilitate the development a permitted residential use per the Official Plan and Zoning By-law. 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 lands are zoned Low Density Residential 2 (RL.2) Zone and are within the Special Policy Area Overlay, Floodplain Overlay and Older Built-Up Area Overlay under Council approved Comprehensive Zoning By-law (2023)-2079, as amended. The properties contain a semi-detached dwelling.

Minor variance A) is to allow the open, roofed front porch to be on the second storey since the regulations for an open roofed front porch are for porches that do not exceed the one storey height. The required stair and porch setbacks are all met.

Minor variance B) can be viewed in two different ways. One way is to add stairs to a balcony, since the definition of balcony excludes it from having any stairs but it is not preferable to vary a definition. An open porch/deck only has regulations in the zoning by-law where it does not exceed the main floor/entry level, so the variance is to allow the deck with stairs to be located in the rear yard on the second storey above the main floor. The deck meets the balcony side and rear yard setback requirements, which have greater setback requirements than a deck/open porch. The required rear yard setback for the property is 6.2m. The maximum permission a balcony projecting 2.4m into rear yard would be a 3.8m setback to the lot line. The proposed deck has a rear yard setback of 4.2m and a side yard setback of 2m. The stairs have a rear yard setback of 3.2m and are located along the shared side yard property line of the semi-detached dwellings.

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.

## **Grand River Conservation Authority (GRCA)**

See attached correspondence from GRCA.

## **Comments from the Public**

Yes (See Attached)

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## **Contact Information**

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