

# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: A-34/21  
Location: 32 Surrey Street West  
Hearing Date: July 8, 2021  
Owner: Gerard and John Haley  
Agent: N/A  
Official Plan Designation: Downtown Secondary Plan – Residential 1  
Zoning: Residential Single Detached (R.1B) Zone

**By-Law Requirements:** The By-law requires a minimum side yard setback of 0.6 metres for an uncovered porch not more than 1.2 metres above finished grade.

**Request:** The applicant is seeking relief from the By-Law requirements to permit the proposed uncovered porch (deck) to have a minimum left side yard setback of 0.2 metres.

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## Staff Recommendation

### Approval

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### Recommended Conditions

None

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## Comments

### Planning Services

The subject property is designated "Residential 1" under the Downtown Secondary Plan. Residential 1 areas include portions of broader residential neighbourhoods that extend into Downtown. This designation is mostly occupied by low-rise forms of housing, including detached and semi-detached houses, townhouses and apartment buildings. The intent is to generally maintain the character of these areas. The requested variance meets 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. The R.1B zone permits single detached dwellings and other related accessory uses. The applicant is proposing to construct an uncovered porch (deck) in the rear yard which will have a minimum left side

yard setback of 0.2 metres; whereas, Table 4.7 Row 1 of the Zoning By-law requires a minimum side yard setback of 0.6 metres for an uncovered porch (deck) that is not more than 1.2 metres above finished grade.

The purpose and intent of the deck setback zoning regulation is to ensure there is adequate space for maintenance on the property and to prevent overlook into neighbouring properties. The location of the proposed deck is adjacent to a mixed-use multi-storey building, negating any concern of neighbour overlook and the proposed deck will closely abut a fence on the property line. If any property maintenance is needed the onus will be on the owner of the subject property to alter the deck for access.

The requested variance maintains the general intent and purpose of the Official Plan and Zoning By-law, is considered desirable for the development of the land and is considered to be minor in nature.

Planning staff recommend approval of the variance.

### **Engineering Services**

Engineering has no concerns with the applicant's request of seeking relief from the By-Law requirements to permit the proposed uncovered porch (deck) to have a minimum left side yard setback of 0.2 metres.

We agree with recommendations made by the Planning and Building staff.

### **Building Services**

The property is located in the Residential Single Detached (R.1B) Zone. The applicant is proposing to construct a 12.9 square metre deck at the rear of the dwelling. The applicant is seeking relief from the By-law requirements to permit the proposed uncovered porch (deck) to have a minimum left side yard setback of 0.2 metres. A variance from Table 4.7, Row 1 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services does not object to this application. A building permit will be required prior to any construction, at which time requirements under the Ontario Building Code will be reviewed.

### **Comments from the Public**

None

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### **Contact Information**

**Committee of Adjustment:** City Hall, 1 Carden Street, Guelph ON N1H 3A1  
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