



**PLANNING REPORT #22/06
for the TOWNSHIP OF GUELPH ERAMOSA**

CofA A01-22– 53 Eramosa Crescent

Prepared by the County of Wellington Planning and Development Department in our capacity as planning consultants for the Township

MEETING DATE: February 23rd, 2022
TO: Chair and Members of the Committee of Adjustment
Township of Guelph Eramosa
FROM: Joanna Salsberg, Planner
County of Wellington
SUBJECT: **MINOR VARIANCE APPLICATION A01-22 (Valeriano & Valeria Porcellato)**
53 Eramosa Crescent
Ward 3
SCHEDULES: **1 – Site Plan**

We have reviewed the application for minor variance and provide the following comments; please note the following comments are provided without the benefit of a site visit.

Recommendation

Be it resolved that the Committee of Adjustment of the Township of Guelph/Eramosa has received the following Planning Report regarding MINOR VARIANCE APPLICATION A01-22 – 53 Eramosa Crescent, and;

The relief being requested as part of Application A01-22 be approved as follows:

1. Relief from Section 7.2.5 of Zoning By-law No. 40/2016 to permit an interior side yard setback of 1.8 m (5.9 ft) where 3 m (9.84 ft) is required.
2. Relief from Section 4.1.3 of Zoning By-law No. 40/2016 to permit the alteration of a building where a lot has lesser lot area and lot frontage of more than 20% less than the required lot area and frontage.
3. Relief from Section 4.4.1.2 By-law No. 40/2016 to permit the exterior alteration of the main dwelling to establish an accessory second unit that does not comply with the yard and setback requirements of the Zone in which such buildings are situated.
4. Relief from Section 4.4.1.3 By-law No. 40/1016 to permit the maximum gross floor area of an accessory second unit to be 58.2 % of the gross floor area of the main dwelling where 45% of the gross floor area, to a maximum size of 115 m² is required.

If the Committee is satisfied, the following conditions should be applied to the minor variance:

1. That the owner/applicant prepare and submit a grading plan that is to be completed by an engineer or surveyor to the satisfaction of the Township.

2. That adequate servicing for the accessory second unit can be accommodated to the satisfaction of the Township.

Background

The purpose of this application is to facilitate a two storey addition of 110.36 m² (1,188 ft²) to an existing two-storey detached dwelling to increase living space within the main dwelling and to create an accessory second unit to occupy the entire second floor. In order to facilitate this development, relief from the Zoning By-law is required to allow a reduced interior side yard (right) of 1.80 m, to allow for the gross floor area of the accessory second unit to be 58.1% of the gross floor area of the main dwelling, and to recognize the existing lot size and frontage to permit a reduced lot size of 0.1264 ha and lot frontage of 21.3 m.

The proposed addition will allow an extension of the first floor, second floor, and cellar, and allow the second floor to be reconfigured to establish an accessory second unit. The main dwelling is proposed to be extended by a gross floor area of 61.5 m² (662 ft²), for a total gross floor area of 189.4 m² (2,039 ft²) to include a kitchen, dining room, master bathroom, and living room on the first floor. A crawl space extension is also proposed within the cellar and is associated with the main dwelling. The addition to the second floor includes 48.9 m² (526 ft²) of additional living space, for a total gross floor area of 110.1 m² (1,185 ft²) and is proposed to be an accessory second unit in its entirety. The proposed addition to the dwelling results in an interior side yard setback on the right side of the building of 1.8 m whereas, 3 m is required within the Zoning By-law. The side yard setback on the left of the building has been identified by the applicant as 1.54 m for the existing building and is to remain, and the proposed addition would have an interior side yard on the left of 4.75 m. The required interior side yard setback is 3.0 m.

Township staff have provided records that minor variance application V4/71 was approved in 1971 that appears to be for the relief of the existing interior side yard setbacks of the house. The proposed addition is an extension of the existing building line on the right side of the building, and is setback further into the lot than the closest part of the existing building on the left side. This application is for relief to the interior side yard setback for the addition and accessory second unit on the second floor.

The applicants have identified that the subject lands have a lot area of 0.1264 ha (1,264 m²) and a lot frontage of 21.3 m (69.9 ft). Section 4.1.3 permits a lot which has a lot area and lot frontage that is up to 20% smaller than the zone's required minimum lot area to be used and a building or structure to be erected, altered or used on the lot. The minimum required lot area within the Rural Residential (RR) Zone is 0.2 ha (2000 m²) for lots existing as of October 19th, 1999. The minimum frontage requirement within the RR Zone is 30 m. The Township has confirmed that the lot was in existence in advance of this time. The purpose of this variance is to recognize the existing lot size and frontage and permit the alteration of the existing detached dwelling.

Upon review of the application, it was determined by planning staff relief is also required from section 4.4.1.3 with respects to the maximum gross floor area of an accessory second unit. Specifically, section 4.4.1.3 requires that the maximum gross floor area of an accessory second unit shall be no more than an amount equal to 45% of the gross floor area of the main dwelling, to a maximum size of 115 m². Although the proposed unit does not exceed the maximum size of 115 m², the unit does exceed 45% of the gross floor area of the main dwelling. This relief has been added within the table below and staff's recommendation. Although not identified in the public notice, planning staff are of the opinion that this is a minor adjustment.

The details of the minor variance application are included in the table below:

Regulation	By-law Section	Required	Proposed	Relief Requested
Minimum Interior Side Yard	7.2.5	3 m (9.8 ft)	1.80 m (5.9 ft)	1.2 m (3.9 ft)
Lots Having Less Lot Area and/or Lot Frontage	4.1.3	Where a lot having a lesser lot area and/or lot frontage of not more than 20% less than that required herein, and is held under distinct ownership from abutting lots as shown by a registered conveyance in the records of the Registry or Land Titles Office as of October 19, 1999, or where such a lot is created as a result of an expropriation such smaller lot may be used and a building or structure may be erected, altered, or used on such smaller lot, provided that all other requirements of this By-law are complied with. Section 7.2.1 requires the minimum lot area of 0.2 ha (2,000 m ²), and section 7.2.2 requires a minimum lot frontage of 30 m.	Existing Lot Area: 1264 m ² (0.1264 ha) Existing Lot Frontage: of 21.3 m (69.9 ft)	Lot Area: 736 m ² (0.0736 ha) Lot Frontage: 8.7 m (28.5 ft)
Accessory Second Unit in Agricultural or Residential Zone Regulations	4.4.1.2	When exterior alterations to the main dwelling are proposed for an attached accessory second unit, the siting of an accessory second unit shall be to the rear or side of the main dwelling, and shall comply with the yard and setback requirements of the Zone in which such building is situated. The Required Interior Side Yard Setback is 3 m (9.8 ft)	Right Interior Side Yard Setback: 1.80 m (5.9 ft)	Right Interior Side Yard Setback: 1.2 m (3.9 ft)
Accessory Second Unit in Agricultural or Residential Zone Regulations	4.4.1.3	The maximum gross floor area of an accessory second unit shall be no more than an amount equal to 45% of the gross floor area of the main dwelling, to a maximum size of 115 m ² .	58.1%	13.1%

Figure 1 - Subject property



Our discussion of this application relative to the four tests under the Planning Act is as follows:

Four Tests	Discussion:
<p>That the requested variance is minor in nature</p>	<ul style="list-style-type: none"> • The applicant is requesting to extend an existing two-storey detached dwelling through a 110.36 m² (1,188 ft²) gross floor area addition which will include additional living space on the first floor, second floor, and a crawl space extension devoted the main dwelling in the cellar. The extension also facilitates the transition of the entirety of the second floor into an accessory second unit. • The extension to the existing single detached dwelling will bring the building closer to the interior side yard (right) lot line than what is permitted within the zoning by-law. • The proposed extension on the right side of the building follows the existing building line/wall, therefore will not be located closer than the existing dwelling. The left side of the building is setback further from the left side yard setback than the closest part of the existing dwelling.

	<ul style="list-style-type: none"> • The zoning requirements for accessory second units attached to the main dwelling require the units to meet the requirements of the zone in which such buildings are situated. The proposed addition results in an interior side yard setback that does not meet the requirements of the RR Zone. • The extension would result in an interior side yard setback (right) of 1.80 m, whereas 3 m is required. • The applicant is proposing to alter a building on a lot having a lesser lot area and frontage of more than 20% less than required. There is currently a two-storey dwelling existing on the subject property. The proposed relief is seeking to recognizing the existing lot size and frontage. This scenario has been in existence prior to the 1970's. • The applicant is proposing to transition the entirety of the second storey into an accessory second unit of 110.1 m² (1185 ft²).
<p>That the intent and purpose of the Zoning By-law is maintained</p>	<ul style="list-style-type: none"> • The subject lands are zoned Rural Residential (RR) within the Zoning By-law and are situated within the Hamlet of Promenade Park. • A detached dwelling is a permitted use within the RR Zone. An accessory second unit is permitted within the RR Zone, provided the provisions of section 4.4 can be met. • A minimum interior side yard setback of 3.0 m is required within the RR Zone. This application proposes a 1.80 m interior side yard setback (right). This setback will maintain the existing building setback, which was permitted in the 1970's. • On the left side of the building, the addition is further from the interior side yard setback than the existing building which the applicant has identified as 1.54 m from the lot line. The addition is proposed to be 4.75 m from the left interior side lot line. • Section 4.4.1.2 requires that exterior alterations to the main building for an attached accessory second unit shall comply with the yard setback requirements of the zone in which the building is situated. The RR Zone requires a minimum interior side yard setback of 3 m. • The intent of an interior side yard setback is to allow for unencumbered movement between the front yard and rear yard of the property, to allow for access and maintenance of the entire parcel, to ensure that drainage can be addressed adequately on the subject property, and to create a sense of consistency within the surrounding neighbourhood. • The intent of requiring any exterior alterations to a main dwelling for an attached accessory second unit to meet the setback requirements of the subject property's zone is to ensure the unit is adequately separated from surrounding properties, to ensure compatibility, and to ensure any occupant of an accessory second unit can easily and safely access the entrance to the dwelling unit. • Section 7.2.1 requires the minimum lot area of existing lots as of

	<p>October 19, 1999, to have a minimum lot area of 0.2 ha (2,000 m²). Township staff have confirmed the lot was in existence in advance of October 19, 1999. In addition, Section 4.1.3 allows lots having 20% less of the required minimum lot size.</p> <ul style="list-style-type: none"> • Section 7.2.2 requires the minimum lot frontage of 30 m. In addition, Section 4.1.3 allows lots having 20% less of the required minimum lot frontage. • The applicant has identified the existing lot area of the subject property to be 1264 m² (0.1264 ha) and the existing lot frontage to be 21.3 m (69.9 ft). • The proposed application seeks to recognize the subject property's existing lot area and frontage in order to allow the addition. • Section 5.1 of the By-law requires 1 parking space per dwelling unit and requires 2 spaces per detached dwelling. A total of three parking spaces is required. After discussion with Township staff planning staff are satisfied that this requirement is met. • The proposed extension is to facilitate the transition of the entirety of the second storey into an accessory second unit. The main dwelling gross floor area was provided by the applicant to be 189 m² (2,039 ft²) and the proposed accessory second unit is 110.1 m² (1,185 ft²). Therefore, the accessory second unit is 58.2% of the gross floor area of the main dwelling, whereas a maximum gross floor area of 45% of the main dwelling to a maximum of 115 m² is required. Although the accessory second unit does not exceed the maximum size of 115 m², it does exceed the maximum gross floor area of 45% of the main dwelling. • The intent of providing a maximum gross floor area for an accessory second unit is to ensure that the unit remains subordinate in use and function to the main dwelling.
<p>That the general intent and purpose of the Official Plan is maintained</p>	<ul style="list-style-type: none"> • The subject property is designated as Hamlet Area within the County of Wellington Official Plan and is situated within the Hamlet of Promenade Park. • The primary residential use within Hamlets is directed to be low density single detached units. • Section 7.4.1 directs that Additional Residential Units may be permitted subject to the requirements of Section 4.4.6 of the Plan. • Section 4.4.6 provides permissions and requirements for Additional Residential Units within a main residence to be established in local zoning by-laws. This section requires the additional residential units to be subordinate in scale and function to the main dwelling. • The Official Plan directs that additional residential units are an effective form of intensification, increase the stock of affordable rental housing, offer alternative housing options, and offer home owners additional sources of income. • The proposal generally meets the intent of the Official Plan.

<p>That the variance is desirable for the appropriate development and use of the land, building or structure</p>	<ul style="list-style-type: none"> • The subject property is bounded by residential uses on all sides. • The subject lands have been in existence for a substantial amount of time and the existing lot area and lot frontage, albeit smaller than permitted within the by-law, is similar in size to abutting lots. • The applicants appear to have received approval for a minor variance in 1971 for the existing interior side yard setbacks, and the proposal results in an extension following the existing building line on the right side of the building. Further, the addition will establish a larger interior side yard (left) setback than what currently exists. • There are some varying interior side yard setbacks within the surrounding neighbourhood, although there is typically one interior side with a smaller setback, and one with a larger interior side yard setback to still provide access between the yards for maintenance. • The proposed reduction in the interior side yard will still maintain a sufficient setback for access for the maintenance of the property and for access for the occupant of the accessory second unit. • Although the proposed accessory second unit is 58.1% of the gross floor area of the main dwelling, it does not exceed the maximum required size of 115 m². The main dwelling is modest in size and therefore results in a smaller permitted floor area (maximum gross floor area shall be no more than an amount equal to 45% of the gross floor area of the main dwelling). Although not included within the gross floor area calculation, the main dwelling also contains additional space within the cellar that is exclusively devoted to the main dwelling. • The accessory second unit is proposed to occupy the entirety of the second storey, and maintains the existing interior side yard setback on the right side of the building. The left interior side yard setback is existing, and the addition is setback further into the interior side yard than what is existing. The existing setbacks have been in place on the lot for a substantial time. The addition to the second unit living space is also located further into the rear yard of the property and does not appear modify the front of the building. • Township staff have confirmed that the property is serviced by the City of Guelph for sewer and water services. A condition has been proposed that adequate servicing is confirmed to the satisfaction of the Township. • The Township should consider comments received from the Public Works Department and Building Department regarding any concerns regarding site grading or drainage.
---	--

Agency Comments

- **Building Department:** No comments.
- **GRCA:** GRCA has no objection to the approval of application A 01/22. The subject property does not contain any watercourses, floodplains, shorelines, wetlands, valley slopes or other

environmental features of interest to GRCA. The property is not subject to Ontario Regulation 150/06 and a permission from GRCA is not required for the proposed addition.

- **Public Works:** No comments from a Public Works perspective.
- **Fire Department:** No comments.
- **Wellington Source Water Protection:** Since this property is located in a vulnerable area (wellhead protection area, issues contributing area, intake protection zone etc.), but the activity(ies), as indicated, would not create a significant drinking water threat, the application can be screened out and it does not require a Section 59 notice under the Clean Water Act.

Planning Comment

The proposed expansion will require adequate servicing due to increase in living area for the main dwelling, and the addition of an accessory second unit to occupy the entirety of the second floor. Township staff have identified that sewer and water services are provided by the City of Guelph. A condition has been proposed to ensure the accessory second unit can be adequately serviced to the satisfaction of the Township.

The proposed expansion will result in the interior side yard on the right of the building being reduced. A condition has been proposed to require the applicant to submit a grading plan prepared by an engineer or surveyor to ensure the adjacent neighbour is not affected by the proposed addition.

Conclusion

The minor variance application would maintain the general intent and purpose of the Official Plan and Zoning By-law, and is desirable and appropriate for the development of the subject property. Planning Staff have no concerns with this application, provided the recommended conditions are implemented.

Respectfully submitted

County of Wellington Planning and Development Department



Joanna Salsberg, B.A., M.PL., Planner

Reviewed by
Township of Guelph Eramosa CAO

Ian Roger, P.Eng.
CAO

