



**PLANNING REPORT
for the TOWNSHIP OF GUELPH ERAMOSA**

21/23 CofA A03-21– 37 Park Street

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

MEETING DATE: September 1, 2021
TO: Chair and Members of the Committee of Adjustment
Township of Guelph Eramosa
FROM: Joanna Salsberg, Planner
County of Wellington
SUBJECT: **MINOR VARIANCE APPLICATION A03-21 (Szywacz)**
37 Park Street, Eden Mills
Ward 3
SCHEDULES: **1 - Site Plan**
2 – Survey Report
3 - Front Elevation Drawing

We have reviewed the application for minor variance and provide the following comments; please note the following comments are provided with the benefit of a site visit on August 18th, 2021.

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 A03-21 – 37 Park Street, and;

The relief being requested as part of Application A03-21 be approved as follows:

1. Relief from Section 7.2.3 (4.19 & 4.20) of Zoning By-law No. 40/2016 to permit a front yard setback of 1.91 m where 7.5 m is required; and
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 a lesser lot area of more than 20% less than the required lot area.

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

1. That the owner/applicant demonstrate that the proposed expansion can be adequately serviced to the satisfaction of the Township.

Background

The purpose of this application is to recognize the existing front yard setback as it is smaller than what is permitted in the Zoning By-law. The reduced setback would facilitate a proposed second floor addition of 200.3 m² (2,156 ft²) above the existing one storey single detached dwelling. The applicant is also proposing an attached garage with a second storey, and on the rear of the dwelling a one storey addition and a patio deck. The additional proposed changes meet the front yard setback of 7.5 m and the other applicable setbacks of the by-law. The property is within the Rural Residential (RR) Zone.

Upon review of the application, it was determined by planning staff relief is also required from section 4.1.3 with respects to lot area. Section 4.1.3 permits a lot to have a lot area that is 20% smaller than the minimum lot area. The subject property is existing with a lot area of 0.09 ha, which is 45% of the required lot area of 0.2

ha. The purpose of this variance is to recognize the existing lot size and permit the use and alteration of the existing one-storey dwelling.

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

Regulation	By-law Section	Required	Proposed	Relief Requested
Minimum Front Yard	7.2.3	7.5 m (24.6 ft)	1.91 m (6.3 ft)	5.59 m (18.3 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 (0.5 ac).	0.09 ha (0.2 ac)	0.11 ha (0.3 ac)

Figure 1 - Subject property



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

Four Tests	Discussion:
That the requested variance is minor in nature	<ul style="list-style-type: none"> • The applicant is requesting to construct a second storey addition above the existing one storey single detached dwelling. • The second storey addition is proposed to be 200.3 m² and will bring the dwelling to a height of 8.77 m (28.77 ft). • The existing dwelling currently does not meet the front yard setback. Section 4.1.4 of the By-law allows the dwelling to exist; however, the second storey addition would trigger the need for relief. The proposed secondary story addition proposes to match the setback for the existing one storey single detached dwelling. • The applicant is also proposing an attached garage addition with a second storey, and on the rear of the dwelling a one storey addition and a patio deck, although these proposals meet the front yard setback of 7.5 m. • The applicant is proposing to use and alter a building on a lot having a lesser lot area of more than 20% less than required. There is currently a one-storey dwelling existing on the subject property.
That the intent and purpose of the Zoning By-law is maintained	<ul style="list-style-type: none"> • The subject lands are zoned Rural Residential (RR) and are situated within the Hamlet of Eden Mills. • One detached dwelling is a permitted use within the RR Zone. • The minimum front yard setback within the RR Zone is 7.5 m (subject to section 4.19 & Section 4.20 of the Zoning By-law). The applicant is proposing a vertical expansion that will maintain a front yard setback of 1.91 m. • The intent of a minimum front yard setback is to maintain an appropriate setback from the roadway, and to provide a consistent setback within a neighbourhood. • Section 4.1.4 speaks to non-conforming setbacks and requires that 'where a building was legally constructed and does not comply with the current regulations of its Zone, the building shall have a minimum front yard setback equivalent to its front yard setback...'. As the proposed addition is modifying an existing building with non-conforming setbacks this addition must comply with the setback requirements of the RR Zone. • It is noted that the by-law includes general provisions in section 4.9 that allow for the encroachment of window sills, chimney breasts, belts courses, cornices, eaves and other architectural features 1 m into the required yard. • Section 4.1.3 speaks to lots having less lot area and/or frontage than required by the by-law. The subject property has a lot area more than 20% smaller than the required minimum lot area. It requires that the lot is held under distinct and separate ownership from the abutting lots as of October 19, 1999. It further states that such smaller lot may be used and a building or structure may be erected, altered or used on such smaller lot provided all requirements of this by-law are complied with. • The subject property has a lot area of 0.09 ha, which is 45% of the required lot area of 0.2 ha. • This variance would recognize the subject property's existing lot area

	and permit the use and alteration of the existing one-storey dwelling.
That the general intent and purpose of the Official Plan is maintained	<ul style="list-style-type: none"> • The subject lands are designated as Hamlet Area within the County of Wellington Official Plan and are situated within the Hamlet of Eden Mills. • The lands designated as Hamlet Area permit low density single detached units as the primary residential use. • Section 13.8 speaks to the requirements for non-conforming uses. Specifically, section 13.8.4 enables provisions within the zoning by-law with respect to uses which are permitted but do not comply with various regulations such as setbacks.
That the variance is desirable for the appropriate development and use of the land, building or structure	<ul style="list-style-type: none"> • The property is bounded by residential uses on all sides. • The front yard setback and the lot area of the surrounding properties varies and is generally not uniform across all properties. Many of the abutting properties contain lot areas that are less than 0.09 ha. • The proposed second storey addition will not extend further into the front yard than the existing one storey dwelling on-site. • The dwelling is screened by trees on both side yard lot lines from abutting residential dwellings. • At time of building permit review, it should be confirmed that the proposed addition can be adequately serviced with water and a septic system.

Agency Comments

- Building Department:
 - The front face of the house will need to comply with the maximum area of window openings permitted, as per OBC 9.10.15.4. This will be checked for compliance at the time of Building Permit Application.
 - Ensure that the property is adequately sized to accommodate a septic system design that complies with PART 8 of the Ontario Building Code. This will be checked for compliance at the time of Building Permit Application.
- GRCA:
 - Nothing on or adjacent to the property that GRCA would provide comments on.
- Public Works:
 - No objection to the reduced setback
 - The applicant should ensure that the proposed addition can be adequately serviced from a private well and septic system standpoint.
 - Roof leaders from the proposed addition shall be directed to pervious areas within the property and not directly to the right of way. A grading and servicing plan should ultimately be prepared in support of a building permit application.
 - The existing parking spot shown from the existing driveway is located in the Park Street right of way and shall not count for any parking requirements for the property.
- Fire Department:
 - There are no comments for this from a fire department perspective.
 - It is incumbent on the owner, however, to verify that all work must conform to the Ontario Building Code under whose authority is that of the Chief Building Official's.

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 that the expansion can be serviced.

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

SCHEDULE 3: Front Elevation Drawing



REVISIONS	
ADDITIONS AND ALTERATION	
4-1-10	
11/11/2021	
37 PARK ST EDEN MILLS	
FRONT ELEVATION	A7