



PLANNING REPORT 22-17 for the TOWNSHIP OF GUELPH ERAMOSIA

CofA A04-22 – 105 Drenters CT

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

MEETING DATE: June 8th, 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 A04-22 (BASRA, BASRA, and SINGH)**
105 Drenters Court
Ward 4
SCHEDULES: **1 - Sketch provided by applicant**
2 - Site Visit Photo Showing Existing Posts

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 May 31st, 2022.

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 A04-22 – 105 Drenters Court, and

The relief being requested as part of Application A04-22 on the subject land be approved as follows:

1. Relief from Section 5.1.10.3.2.b By-law No. 40/2016 to permit a driveway width of 5.71 m where a maximum of 5.48 m is required.
2. Relief from Section 5.1.10.3.2.b By-law No. 40/2016 to permit a driveway setback of 0.3048 m from the side lot line, whereas the minimum setback is 0.6 m.
3. Relief from Section 5.1.10.2 By-law 40/2016 to permit a parking area to be located 0.7 m from a street line where 1.1 m is required.

The following conditions are recommended as a conditions of approval:

1. That the decorative sidewalk located at the left side of the driveway be removed to the satisfaction of the Township;
2. That the owner/applicant prepare and submit a grading and drainage plan to the satisfaction of the Township; and
3. That no parking be permitted on the decorative sidewalk to the right of the driveway and that the proposed fencing meets the requirements of By-law #52/2007 and the Sight Line Triangle requirements of the Zoning By-law to the satisfaction of the Township.

Background

The purpose of the application is to legalize the existing driveway width of a single detached dwelling within the Village of Rockwood. The existing driveway is 5.71 m and with the inclusion of two existing, decorative concrete walkways, the driveway width has been increased to 7.7 m. The maximum permitted driveway width for this lot is 5.48 m.

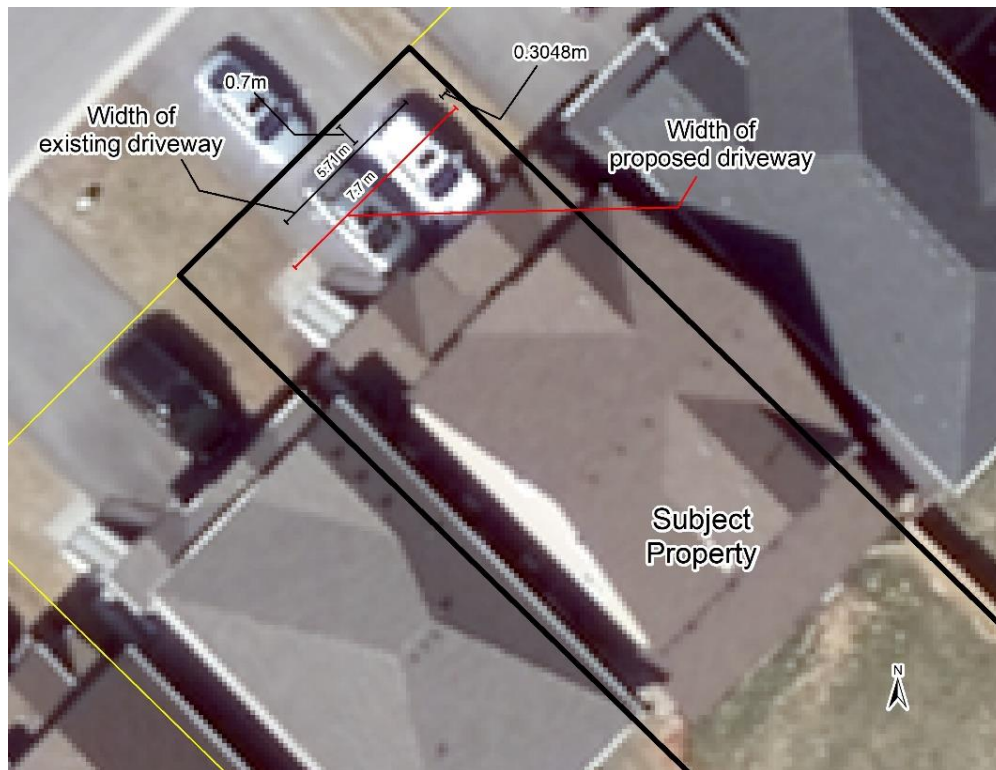
Through a housekeeping amendment, the Township Zoning By-law was updated to include a definition of 'driveway' to align with implementation of the provisions related to driveway widths. The subject relief, specifically the increase in the driveway width, would recognize two existing decorative concrete walkways on either side of the driveway. The inclusion of the walkways adds an additional width of approximately 2 m.

Upon review of the application, Planning Staff noted that a variance is also required from Section 5.1.10.2 to recognize that the existing parking area configuration results in a parking space being closer to the street line than permitted by the By-law. This is an existing condition on the parcel, regardless of the concrete walkway extensions. 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
Maximum Driveway Width	5.1.10.3.2(b)	5.48 m	7.7 m	0.23 m
Driveway Setback to Side Lot Line	5.1.10.3.2(b)	0.6 m	0.3048 m	0.2952 m
No Part of a Parking Area is located closer than 1.1 m to any street line	5.1.10.2	1.1 m	0.7 m	0.4 m

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 has requested relief to recognize the existing condition of driveway width of 105 Drenters Court. • Two concrete walkways have been added on either side of the existing driveway. One concrete walkway has a width of 0.4572 m (left), and the other concrete walkway (right) of the property has a width of 1.5 m. • In total the driveway width is proposed to be 7.7 m (which includes the sidewalks) whereas the By-law permits 5.48 m. It is noted the original driveway without walkways exceeds the maximum driveway width as it is 5.71 m. • A portion of the front yard continues to be permeable surface and is landscaped; however, a majority of the front yard is paved. • A widened driveway would provide the opportunity for additional parking on the driveway. The applicant has indicated they would install a barrier (i.e. fence) to prevent parking on the concrete walkway to the right of the driveway. • Any concerns of the Building and Public Works Departments regarding drainage and grading should be considered by the Committee.
<p>That the intent and purpose of the Zoning By-law is maintained</p>	<ul style="list-style-type: none"> • The subject lands are within the site specific Village Residential Low Density Zone (R1 21.157) and are located within the Urban Centre of Rockwood. • A detached dwelling is a permitted use within the site specific zone. • The By-law’s definition of driveway includes any surfaced walk or hard landscaping that is parallel to the driveway and is capable of being parked or driven upon by part or the whole of a vehicle. • Section 5.1.10.3.2b permits driveways to be a maximum width of 50% of the lot width of 7.5 m. The width of the lot was identified on the submitted site plan as 10.97 m. Therefore, the maximum permitted width of a driveway is 5.48 m, whereas 7.7 m is proposed. • Section 5.10.3.2b further requires that a driveway shall not be located closer than 0.6 m to a side lot line. The concrete walkway (left) is located 0.3048 m from the side lot line. • The intent of a maximum driveway width is to limit the amount of impermeable surface on a parcel to ensure the property is landscaped for proper design and drainage, to control parking, and for compatibility with surrounding properties. • The intent of a minimum setback of driveways to side lot lines is to ensure drainage can be adequately addressed on the parcel, to limit the impermeable area of a property, to ensure that driveway maintenance can occur on the property, and to provide adequate separation. • Within the site specific zone, two parking spaces are required per dwelling unit. The existing garage and driveway allow for two parking spaces to be accommodated on the parcel. This variance recognizes the existing configuration of the garage and driveway result in a

	<p>parking space being located closer to the street line than required by the By-law. On the site plan, a parking space would be located 0.7 m from the property line, whereas 1.1 m is required. This is an existing condition of the driveway regardless of the proposed concrete walkways.</p>
<p>That the general intent and purpose of the Official Plan is maintained</p>	<ul style="list-style-type: none"> • The subject lands are designated as 'Residential' within the County of Wellington Official Plan and is located within the Urban Centre of Rockwood. • Residential uses are permitted within the Residential Designation.
<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 increase in driveway width allows for a concrete walkway on both the left and right sides of the driveway. • A portion of the front yard continues to be landscaped. • The applicant has added posts blocking the use of the concrete walkway (right) for parking. A condition has been proposed to ensure the posts meet the requirements of the Fence By-law and the requirements of fencing within Daylight Triangle within the Zoning By-law. • Subject to appropriate grading and drainage, the additional width of the driveway would have no negative impact on neighbouring properties. • There are a variety of existing driveway widths on Drenters Court, with some properties also including concrete walkways. • A condition has been proposed to ensure that proper grading and drainage can be demonstrated to the satisfaction of the Township. • The Committee should consider comments from the Public Works and Building Departments regarding any concerns in regards to grading and drainage.

Agency Comments

- **Building Department:** No comments.
- **GRCA:** The property does not contain GRCA regulated lands and as such GRCA will not be providing comment.
- **Public Works:** While there is no objection to the relief requested in terms of the 1.5 m decorative walkway adjacent to the driveway, Public Works is concerned over impacts from the balance of the proposed/completed works on neighboring properties. The concerns relate to both sides of the property. On the left side, a 0.46 m (1'6") concrete border has been proposed/constructed within a 0.76 m (2'6") set back. The property is designed with back to front drainage. The encroachment of the curb into the swale depending on the final grading may result in more water traversing the neighboring property than designed. On the right side, the 1.5 m walkway curves into the side yard extending to the rear of the house. The walkway reduces to a 1.22 m (4') width along the side of the house where the setback to property line is 1.25 m (4'1"). The right side is also back to front lot drainage, very likely resulting in more runoff along the neighboring property as the capacity of side lot swale has been significantly reduced to a 0.03 m width. Public Works therefore cannot support the left side 0.46 m concrete border on the driveway nor the 1.22 m walkway along the side of the house. Either of those may impact drainage on neighboring property resulting a potential civil dispute.

- **Planning Comment:** A condition requiring the that the owner/applicant prepare a grading/drainage plan to the satisfaction of the Township has been proposed to address concerns regarding the grading/drainage of the overall property.
- **Fire Department:** No comments or objections.
- **Wellington Source Water Protection:** Since this property is not located in a vulnerable area (wellhead protection area, issues contributing area, intake protection zone etc.), the application can be screened out and it does not require a Section 59 notice under the *Clean Water Act*.

Planning Comments

The applicants have indicated the purpose of widening the driveway was to put in a decorative walkway adjacent to the driveway. Within their application, the applicants have further indicated that the walkway is constructed in a way that it cannot be used as a driveway.

On the submitted site plan the applicant has indicated that the 1.5 m walkway (right) will be separated from the driveway by a chain-link fence and will only be used for walking purposes. The height of the fence has not been provided. On the site visit it was noted that the applicants have installed posts to prevent parking on the concrete walkway (right). **Attachment 2** contains an image of the posts as seen on the site visit.

Any proposals for fences must meet the requirements of the Township Fence By-law # 52/2007. Section 5.1 of the Fence By-law requires that in a front yard no person shall erect, maintain or permit a fence exceeding 1.07 m in height from the effective ground level. Furthermore, the by-law requires that no person shall erect, cause to erect, maintain or permit a fence exceeding 1.07 m in height within Driveway Site Line Triangle above the travelled portion of abutting streets. Further, the Zoning By-law prohibits buildings and structures or plantings measuring 1 m or higher within a Sight Line Triangle for a driveway.

As identified in the background section an additional relief was identified by staff after the issuance of the public notice. Section 5.1.10.2 of the By-law requires that parking areas cannot be closer than 1.1 m to any street line. The existing configuration of the garage and driveway result in one required parking space within the garage and one required space being on the driveway. This original configuration results in the parking area on the driveway being closer than 1.1 m from the street line of Drenters Court. This variance recognizes this existing deficiency on the parcel.

Conclusion

Overall, planning staff have concerns with the width of the driveway and on-site drainage. To address these concerns, conditions requiring the removal of one of the decorative sidewalks (to the left) is proposed as is a condition for a grading and drainage plan to the satisfaction of the Township. It is further recommended that a condition be imposed that parking not be permitted on sidewalk to the right of the driveway and that a barrier be approved to the satisfaction of the Township.

Planning staff are satisfied that 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 provided the driveway width relief is reduced to recognize the existing driveway width of 5.71 m (minus the sidewalks) and subject to the recommended conditions.

Respectfully submitted
County of Wellington Planning and Development Department

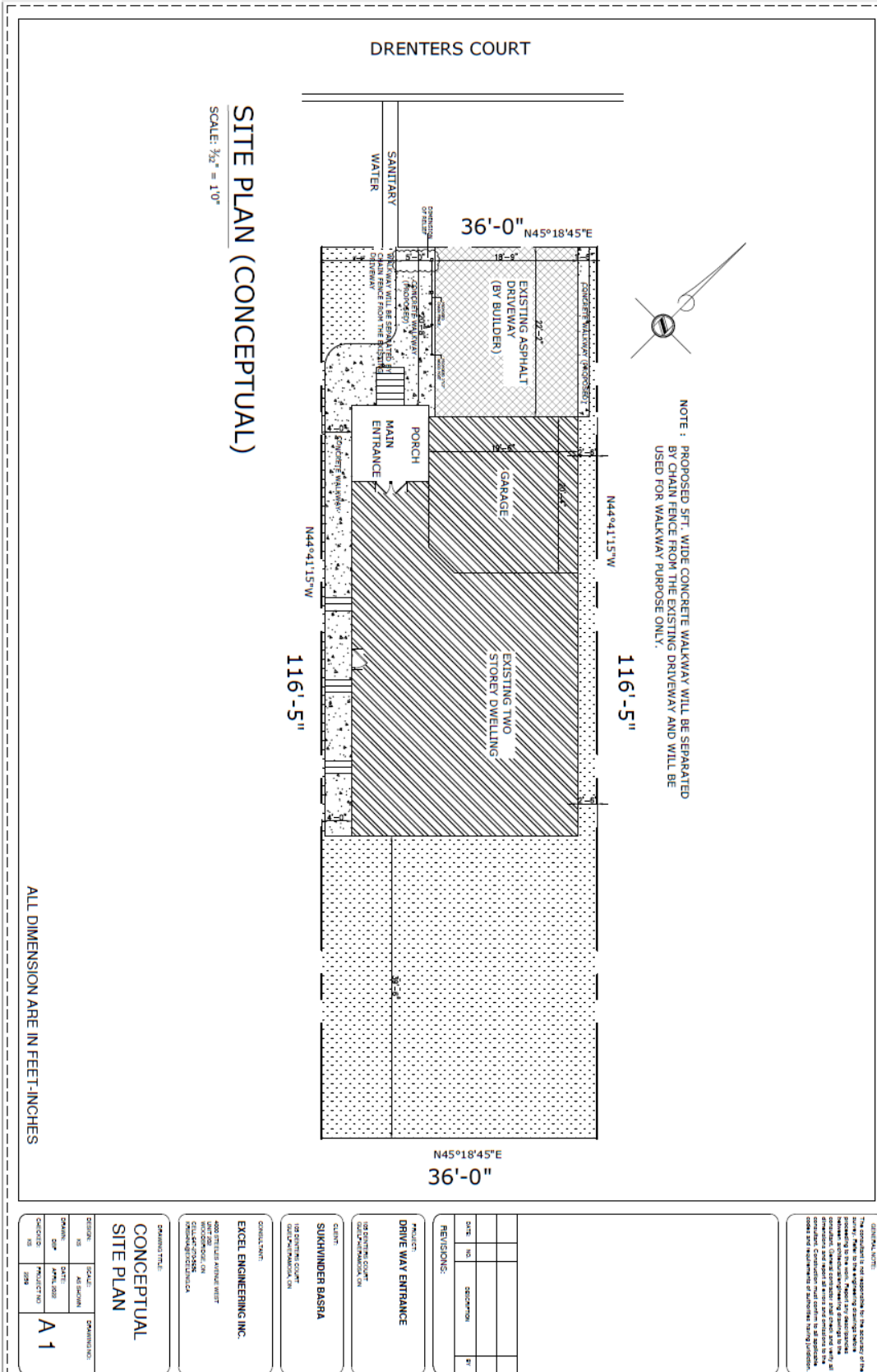


Joanna Salsberg, B.A., M.PL.

Reviewed by
Township of Guelph Eramosa CAO

Ian Roger, P.Eng.
CAO

SCHEDULE 1: Sketch provided by the applicant



ATTACHMENT 2: Site Visit Photo Showing Existing Posts

