



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

21/33 CofA A05-21– 174 Gzowski Street

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

MEETING DATE: December 1st, 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 A05-21 (Leigh Spraggett)**
174 Gzowski Street, Rockwood
Ward 4
SCHEDULES: **1 - Site Plan**
2 - Architectural Drawings

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 November 19th, 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 A05-21 – 174 Gzowski Street, and;

The relief being requested as part of Application A05-21 be approved as follows:

1. Relief from Section 8.2.1.5 of Zoning By-law No. 40/2016 to permit an interior side yard setback of 1.524 m (5.0 ft) where 1.80 m (5.9 ft) is required.
2. Relief from Section 8.2.1.5 of Zoning By-law No. 40/2016 to permit one side yard to be 2.48 m (8.13 ft), where 3 m (9.8 ft) is required if no attached garage or carport is provided.

If the Committee is satisfied, the following condition 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 facilitate an addition to the existing detached dwelling. The applicant is proposing a 40.58 m² (436.8 ft²) lower level sunroom addition to the rear of the existing dwelling, and a 38.09 m² (410 ft²) covered porch addition to the rear of the proposed sunroom addition. The proposed extension of the dwelling and covered porch results in an interior side yard setback of 1.524 m (5.0 ft), whereas 1.8 m (5.9 ft) is required.

It is noted that the existing dwelling currently does not meet the required interior side yard setbacks of the Village Residential Low Density (R1) Zone. For clarity purposes, the reduction in the interior side yard setback is proposed to be applicable to the existing dwelling's interior side yard (right) and the proposed

addition. The existing dwelling also does not meet the interior side yard (left) requirements and 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	8.2.1.5	1.8 m (5.9 ft)	Proposed Side Yard (Right): 1.524 m (5.0 ft)	0.276 m (0.906 ft)
Minimum Interior Side Yard	8.2.1.5	One side yard must be 3 m (9.8 ft) if no attached garage or carport is provided.	Existing Side Yard (Left): 2.48 m (8.13 ft)	0.52 m (1.71 ft)

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 construct a 40.58 m² (436.8 ft²) lower level sunroom addition to the rear of the existing dwelling and a 38.09 m² (410 ft²) covered porch addition to the rear of the sunroom addition. • The existing building, which was constructed in the 1970's, currently does not meet the required interior side yard (left and right). This relief recognizes this existing situation. • The addition is to the first storey and follows the existing building line which brings it closer to the right interior side yard lot line. • The proposed addition does not increase the overall height of the building. • The extension would result in an interior side yard setback of 1.524 m (right). The applicant has identified that the other existing interior side yard setback (left) to be 2.48 m (8.13 ft) and is to remain.
<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 Village Residential Low Density (R1) Zone. • A detached dwelling is a permitted use within this zone. • The minimum interior side yard setback required is 1.8 m. This application proposes a 1.524 m interior side yard setback (right), and retains a 2.48 m interior side yard setback on the left side of the dwelling. • Section 8.2.1.5 requires that one interior side yard must be 3 m if no attached garage or carport is provided. The existing home does not contain an attached garage or carport, therefore the interior side yard setback (on the left) must be 3.0 m. The existing side yard setbacks appear to be less than 3.0 m on the left and right sides. Section 4.1.4 provides direction where a building was legally constructed and does not comply with the current regulations of its Zone, the building shall have...a minimum interior or exterior side yard setback equivalent to its interior or exterior side yard setback. • The intent of a minimum side yard setback is to allow for unencumbered movement between the front and rear yards of a property, and abutting properties, and to allow for access and maintenance of the entire parcel. Other purposes of a minimum side yard setback ensure drainage can be addressed on the subject property and to create a sense of consistency within the surrounding neighbourhood.

<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 Residential within the County of Wellington Official Plan and is located within the Urban Centre of Rockwood. • The Official Plan directs that the predominant use of land within the Residential designation is low rise and low density housing forms such as single-detached dwellings shall continue to predominate.
<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 to the east, west and south, and an agricultural use outside of the Urban Centre of Rockwood to the North. • There are varying interior side yard setbacks within the surrounding neighbourhood, however most properties have one smaller interior side yard setback and a larger interior side yard setback for access to their respective rear yards. • The subject lands maintain the existing interior side yard setback of 2.48 m (left) to provide access to the rear yard. • The Township should consider comments received from the Public Works Department and Building Department regarding any concerns with grading or drainage.

Agency Comments

- **Building Department:** No further comments in relation to the reduced setback.
- **GRCA:** The subject property is not regulated by the GRCA under Ontario Regulation 150/06.
- **Public Works:** No comment or objection.
- **Fire Department:** No comment or objection.
- **Wellington Source Water Protection:** The application can be screened out and it does not require a Section 59 notice under the *Clean Water Act*

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

<p>Reviewed by Township of Guelph Eramosa CAO</p> <p>_____ Ian Roger, P.Eng. CAO</p>

SCHEDULE 1: Site Plan

LOT 95 AREA = 8,170.5' SQ
 EXISTING HOUSE = 1,150' SQ
 EXISTING SHED = 416' SQ
 TOTAL EXISTING = 1,566' SQ

NEW INSIDE = 436.8' SQ
 NEW OUTSIDE = 320' SQ + 80' SQ = 400' SQ
 TOTAL NEW = 436.8 + 400 = 836.8' SQ

Balance Coverage = $\frac{\text{EXISTING} + \text{NEW}}{\text{LOT AREA}} \times 100 = \frac{1,566 + 836.8}{8,170.5} \times 100 = 29.5\%$



<p>NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF L. VAN HARTEN, O.L.S.</p>			
<p>1:1000 MAP 1:200 ROUND HIGH MAP 1:1000 ROUND 1:100 MAP 1:2000 ROUND MAP</p>	<p>1:1000 MAP 1:200 ROUND HIGH MAP 1:1000 ROUND 1:100 MAP 1:2000 ROUND MAP</p>	<p>NOTE: BEARINGS ARE REFERRED TO THE NORTHWEST LIMIT OF GZOWSKI STREET AS SHOWN HAVING AN ASSUMED COURSE OF N 43° 00' E</p> <p>FOR MR. AND MRS. TAVARES</p>	<p>PROJECT NO. 85-1282 DATED BY L.V.H.</p>
<p>L. VAN HARTEN LIMITED ONTARIO LAND SURVEYORS 25 WOODLICK STREET - GUELPH, ONTARIO PHONE: 842-2122</p>		<p>SURVEYOR'S CERTIFICATE I CERTIFY THAT THE FIELD SURVEY REPRESENTED ON THIS PLAN WAS COMPLETED ON THE 23rd DAY OF NOVEMBER, 1985. DATE: NOVEMBER 23, 1985 L. VAN HARTEN, O.L.S.</p>	

SCHEDULE 2: Architectural Drawings



