



PLANNING REPORT 22-18 for the TOWNSHIP OF GUELPH ERAMOSIA

CofA A05-22 – 41 Eramosa Crescent

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 A05-22 (Tivendale)**
41 Eramosa Crescent
Ward 3
SCHEDULES: **1 – Sketch provided by applicant**

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 A05-22 – 41 Eramosa Crescent, and

The relief being requested as part of Application A05-22 on the subject land be approved as follows:

1. Relief from section 4.4.1.3 of Zoning By-law No. 40/2016 to permit a maximum gross floor area of 61% of an accessory second unit, whereas the maximum permitted gross floor area for an accessory second unit is 45%.
2. Relief from section 7.2.5 of the Zoning By-law No. 40/2016 to permit an interior side yard setback of 1.28 m whereas 3 m is required.

Background

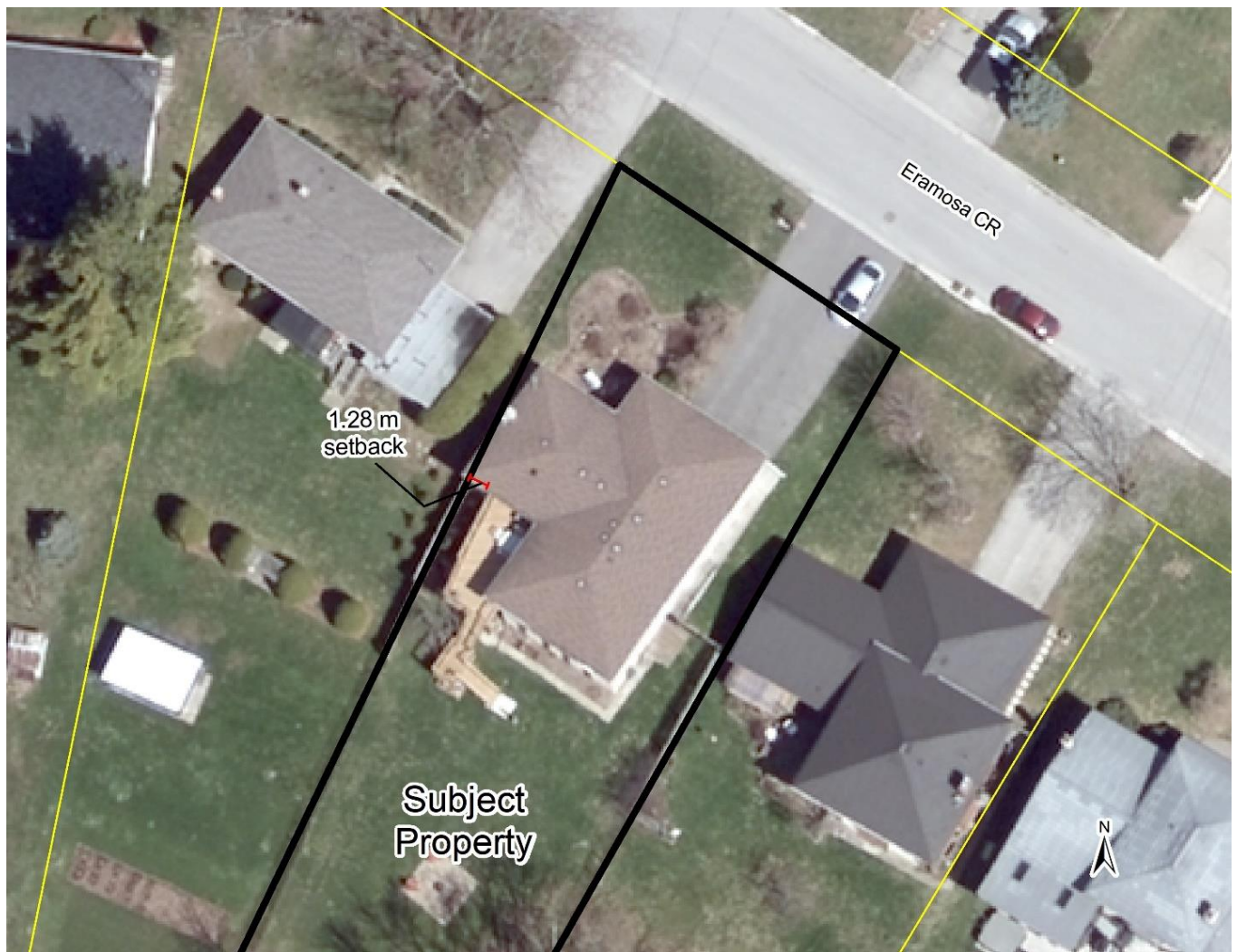
The purpose of the application is to legalize an existing accessory second unit within a detached dwelling within the Hamlet of Promenade Park. Relief from the Zoning By-law is required related to the gross floor area (GFA) of the accessory second unit.

It is noted the existing detached dwelling does not meet the interior side yard setback requirements of the current zoning by-law for the Rural Residential Zone of 3.0 m. This relief is to recognize the existing setback of the dwelling to the interior side yard (right) of 1.28 m. Township staff have indicated that the building permit for the detached dwelling was issued 1971.

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

Regulation	By-law Section	Required	Proposed	Relief Requested
Maximum Gross Floor Area of an accessory second unit	4.4.1.3	45%	61%	16%
Minimum Interior Side Yard Setback	7.2.5	3 m	1.28 m	1.72 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:
That the requested variance is minor in nature	<ul style="list-style-type: none"> The applicant is requesting relief to recognize an existing accessory second unit within a detached dwelling in the Hamlet of Promenade Park. Township staff have confirmed that the building permit for the

	<p>dwelling was issued in 1971.</p> <ul style="list-style-type: none"> • The accessory second unit is proposed to have a GFA of 75.3 m² (810 ft²) and is located within the main floor of the dwelling. The accessory second unit has a GFA of 61% of the GFA of the main dwelling. • The principal dwelling is proposed to fully occupy the second storey of the house and has access to the basement which includes a utility space, cold rooms and an unfinished crawl space. The GFA of the main dwelling is 123.5 m² (1,329 ft²). The Zoning By-law defines how GFA is calculated. • The applicant has indicated that there are no changes to the footprint of the building as a result of recognizing the conversion of a portion of the main storey to the accessory second unit. • There are no visible changes from the street that indicate an accessory second unit is within the detached dwelling. • The existing building is located so the interior side yard setback is 1.28 m from the interior side yard lot line (right). The interior side yard setback (left) maintains a setback of 3.3 m. Planning staff is satisfied that this variance is minor as the setback has been in existence for some time, there is adequate space to access all yards, and all other setbacks are met.
<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 Rural Residential (RR) Zone. • 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. • 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 GFA of the main dwelling to a maximum size of 115 m²’. • The GFA of the proposed accessory second unit is 61% percent of the GFA of the main dwelling. • The accessory second unit does not exceed the maximum size of 115 m²; however, it does exceed the maximum GFA of 45% of the main dwelling due to how GFA is calculated. • The intent of providing a maximum GFA for an accessory second unit is to ensure that the unit remains subordinate in use and function to the main dwelling. • Section 5.1 requires two (2) parking spaces for the detached dwelling and one (1) parking space for the accessory second unit, for a total of three (3) required spaces. According to the dimensions provided in the submitted site plan for the driveway and garage these spaces can be accommodated. • Section 7.2.5 of the RR Zone requires a minimum interior side yard setback of 3 m. The site plan submitted by the applicants indicate that the existing side yard setback (right) of the building is 1.28 m. The intent of an interior side yard setback is to allow for

	<p>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. Planning staff are satisfied that this variance is minor as the interior side yard setback (right) has been in existence for some time, allows for access to all yards, and the dwelling meets all other setbacks requirements.</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 located within the Hamlet Area designation within the County of Wellington Official Plan and is 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 of the Official Plan directs that additional residential units may be considered within Hamlets subject to the requirements of Section 4.4.6 of the Plan. The additional residential unit is 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.
<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. • Township staff have indicated that the property is serviced by municipal water and sewer services. Servicing capacity will be reviewed as part of the building permit. • Although the proposed accessory second unit is 61% of the GFA 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 gross floor area. The definition of GFA also limits what can be included within the calculation. Parking for the accessory second unit and the main dwelling can be accommodated on the property. The additional residential unit is within the footprint of the existing dwelling and the proposal is for an internal renovation with no changes to the building exterior. The access to the accessory second unit is located on the side (left) of the existing dwelling limiting its visibility from the street. • The subject lands have been in existence for a substantial amount of time with the existing interior side yard setback (right). Township staff have indicated that the building permit for the house was issued in 1971. The variance for interior side yard setback recognizes the existing setback under the current by-law. There are varying interior side yard setbacks within the surrounding neighbourhood. The existing interior side yard (left) is 3.3 m and the interior side yard setback (right) is 1.28 m and is existing. These setbacks provide adequate space for movement and maintenance between the yards.

Agency Comments

- **Building Department:** No comments.
- **GRCA:** No comments.
- **Fire Department:** no comments provided all work satisfied the Ontario Building Code and that adequate water supply is available for fire fighting purposes is available.
- **Public Works:** No comments or concerns. The property is serviced by municipal water and sewer.
 - **Planning Comment:** In regards to the Fire Department comments regarding adequate water supply for fire fighting service Public Works indicated there is a hydrant directly across the street from the property.
- **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 Comments

Township staff have identified that the dwelling is serviced by municipal sewer and water services. Review to ensure adequate servicing will be completed as part of the Building Permit review.

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.

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 1: Sketch provided by the applicant

