



**PLANNING REPORT #22/01  
for the TOWNSHIP OF GUELPH ERAMOSIA**

CofA A06-21– 227 Balaclava St

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

**MEETING DATE:** January 26<sup>th</sup>, 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 A06-21 (Matt Bouwmeester)**  
**227 Balaclava St**  
**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 with the benefit of a site visit on January 14<sup>th</sup>, 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 A06-21 – 277 Balaclava St, and;

The relief being requested as part of Application A06-21 be approved as follows:

1. Relief from Section 4.2.4.1 of Zoning By-law No. 40/2016 to permit a ground floor area of 12.6% of the total lot area for a lot in a Residential Zone with a lot area less than or equal to 8,000 m<sup>2</sup> (0.8 ha), whereas a ground floor area of 10% is required.
2. Relief from Section 8.2.1.6 of Zoning By-law No. 40/2016 to permit an exterior side yard setback of 2.438 m (8.0 ft) where 4.5 m (14.8 ft) is required.

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

1. That a demolition permit be obtained and the owner removes the existing vinyl clad shed identified in the submitted site plan to the satisfaction of the Township;
2. That no points of ingress/egress (doors) be located on the sidewall of the garage adjacent to Pasmore Street;
3. That the covered storage structure attached to the existing building be removed so the exterior side yard setback is consistent with the requested relief.

**Background**

The purpose of this application is to facilitate an addition to the existing garage. The applicant is proposing to extend the existing garage by 35.7 m<sup>2</sup> (384 ft<sup>2</sup>) into the rear yard for a total ground floor area of 115.9 m<sup>2</sup> (1,248 ft<sup>2</sup>). The proposed extension results in an exterior side yard setback of 2.438 m, whereas 4.5 m (14.8 ft) is required,

and results in a ground floor area for all accessory buildings of 12.6% of the total lot area, whereas 10% is permitted within the By-law.

It is noted that the existing garage does not meet the required exterior side yard setbacks of the Village Residential Low Density (R1) Zone; however, a previous relief through a minor variance application (A01-08) was granted to allow an exterior side yard setback of 3.05 m (10 ft). The previous minor variance application also provided relief for a driveway setback of 2.43 m where 7.5 m (24.6 ft) was required.

Upon attending the site visit on January 14<sup>th</sup> it was noted that a covered storage area was attached to the right side of the existing garage structure and extends further into the exterior side yard than the existing garage. The applicant has indicated that the this covered storage area will be removed.

Regulation	By-law Section	Required	Proposed	Relief Requested
Permitted Floor Area for Accessory Buildings	4.2.4.1	Ten percent (10%) of the total lot area for a lot in a Residential Zone, and a lot in the Agricultural Zone with a lot area less than or equal to 8,000 m <sup>2</sup> (0.8 ha).	12.6%	2.6%
Minimum Interior Side Yard	8.2.1.6	4.5 m (14.8 ft)	2.438 m (8 ft)	2.072 m (6.8 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 <b>minor</b> in nature</p>	<ul style="list-style-type: none"> <li>• The applicant is requesting to extend an 80.3 m<sup>2</sup> (864 ft<sup>2</sup>) existing detached garage within the rear yard by 35.7 m<sup>2</sup> (384 ft<sup>2</sup>) for a total floor area of 115.9 m<sup>2</sup> (1,248 ft<sup>2</sup>).</li> <li>• The subject lands are located within the Urban Centre of Rockwood.</li> <li>• The lot contains an existing single detached dwelling, detached garage, and shed.</li> <li>• Township staff have confirmed that the detached garage was established in 2008 through minor variance application A01-08 which provided relief for an exterior side yard setback of 3.05 m (10 ft). The existing setback of the building is shown to be 2.438 m (8.0 ft) on the submitted site plan for this application. This minor variance would recognize the setback of the existing garage and facilitation the addition.</li> <li>• The extension follows the existing building line which runs approximately parallel to the exterior side yard setback.</li> <li>• The proposed extension would result in in an exterior side yard setback of 2.438 m.</li> <li>• The addition increases the floor area above the maximum 10% lot coverage requirement for accessory buildings.</li> <li>• The applicant has indicated that it is their intent to remove the existing vinyl clad shed shown within the submitted site plan. If the shed is not removed the lot coverage for all accessory buildings would be over the 12.6 % lot coverage relief requested. A condition has been proposed to remove the existing shed to ensure compliance.</li> <li>• The applicant has confirmed the subject lands are serviced by municipal servicing for water and sewage disposal.</li> </ul>
<p>That the intent and purpose of the <b>Zoning By-law</b> is maintained</p>	<ul style="list-style-type: none"> <li>• The subject property is fully within the Village Residential Low Density (R1) Zone.</li> <li>• A detached dwelling is a permitted use within this zone.</li> <li>• Section 4.2.1 states that where the by-law provides that a building or structure may be constructed, altered or used for a purpose, that purpose may also include an accessory use, building or structure.</li> <li>• Section 4.2.4.1 of the By-law requires that the maximum ground floor area permitted for all accessory buildings or structures located on a lot is ten percent (10%) of the total lot area for a lot in a Residential Zone with a lot area less than or equal to 8,000 m<sup>2</sup> (0.8 ha).</li> <li>• The applicant has identified that the lot has an area of 919.7 m<sup>2</sup> (9,900 ft<sup>2</sup>) for the subject property.</li> <li>• The proposed extension of the garage will result in an accessory building with a total ground floor area of 115.9 m<sup>2</sup>.</li> <li>• Lot coverage for the proposed extended accessory building is calculated to be 12.6%. If the existing vinyl shed is to remain on the property, the total lot coverage would exceed 12.6%.</li> <li>• The intent of a maximum lot coverage is to ensure accessory buildings</li> </ul>

	<p>remain subordinate to the main use, that drainage is appropriate for the subject lands, and to provide for continuity within the surrounding neighbourhood.</p> <ul style="list-style-type: none"> <li>• Section 8.2.1.6 requires that the minimum exterior side yard setback within the R1 Zone is 4.5 m, whereas the applicant has proposed a setback of 2.438 m.</li> <li>• There is an existing covered storage area structure attached to the garage that extends further into the exterior side yard setback than the enclosed garage. The applicant has indicated that it is their intent to remove this attached structure.</li> <li>• The purpose of a minimum exterior side yard setback is to maintain an appropriate distance of development to a road, allow for unencumbered movement between the front and rear yards, to ensure drainage can be addressed on the subject property, and to create a sense of consistency within the surrounding neighbourhood.</li> </ul>
<p>That the general intent and purpose of the <b>Official Plan</b> is maintained</p>	<ul style="list-style-type: none"> <li>• The subject property is fully within the Residential Designation of the Official Plan.</li> <li>• 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.</li> </ul>
<p>That the variance is <b>desirable</b> for the appropriate development and use of the land, building or structure</p>	<ul style="list-style-type: none"> <li>• The subject lands are bounded by residential uses to the north, east and west, and Pasmore Street. An institutional use is located across the road to the South (Rockwood Centennial Public School).</li> <li>• There appear to be other properties in the immediate neighbourhood with large detached accessory buildings although the proposed addition appears to be larger than these structures.</li> <li>• The applicant has indicated that the subject lands are on full municipal servicing.</li> <li>• The proposed exterior side yard setback is 2.438 m, and the existing interior side yard setback (left) of 1.4 m for the main dwelling is to remain. This setback allows for access to the rear yard of the property.</li> <li>• The proposal is an extension of the existing building and maintains the existing exterior side yard setback of the enclosed garage structure approximately parallel to Pasmore Street.</li> <li>• The existing detached garage maintains all other yard setbacks.</li> <li>• The Township should consider comments received from the Public Works Department and Building Department regarding any concerns with grading or drainage.</li> </ul>

#### Agency Comments

- **Building Department:** No comments.
- **GRCA:** The application is not regulated by the Grand River Conservation Authority under Ontario Regulation 150/06. As such, we will not be providing comments.
- **Public Works:** The accompanying plans did not clearly illustrate existing entrances to the property. On the assumption the garage will be accessed from the existing structure, I have no comments on the application from a Public Works perspective and have no objection to the reduced setback or lot coverage.

- **Fire Department:** No comments received.
- **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:**

It is noted that the applicant has indicated that the existing vinyl clad shed indicated on the site plan is to be removed, and a condition has been recommended for the removal of the shed. The shed would contribute to the calculation of ground floor area and lot coverage and would increase the relief required if maintained.

Within the previous minor variance application considered in 2008 (application A01-08), a condition was included requiring no points of ingress/egress (doors) be located on the sidewall of the garage adjacent to Pasmore Street. This condition has been proposed to also apply to the proposed extension of the existing garage.

It is noted that there is an existing storage structure attached to the garage that appears to extends further into the exterior side yard setback than shown on the site plan. Relief for the setback was not included as part of this application nor considered as part of this application or included in any public notices. The applicant has indicated that it is their intent for the attached storage structure to be removed.

**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 recommended conditions are imposed.

Respectfully submitted

County of Wellington Planning and Development Department



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

Reviewed by Township of Guelph Eramosa CAO
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Ian Roger, P.Eng. CAO

