



**PLANNING REPORT #22/02
for the TOWNSHIP OF GUELPH ERAMOSIA**

CofA A07-21– 14 Promenade Rd

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

MEETING DATE: January 26th, 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 A07-21 (Taylor McNabb)**
14 Promenade Rd
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 14th, 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 A07-21 – 14 Promenade Rd, and;

The relief being requested as part of Application A07-21 be approved as follows:

1. Relief from Section 7.2.5 of Zoning By-law No. 40/2016 to permit an interior side yard setback of 1.47 m (4.8 ft) where 3 m (9.8 ft) is required.
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 lesser lot area of more than 20% less than the required lot area.
3. Relief from Section 5.1.10.3.2.b. of Zoning By-law No. 40/2016 to permit a driveway width of 9.98 m (32.7 ft) where a maximum of 7.5 m (24.6 ft) is permitted.

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

1. That the owner/applicant prepare and submit a grading plan that is to be completed by an engineer or surveyor to the satisfaction of the Township.

Background

The purpose of this application is to facilitate an addition to an existing one storey detached dwelling. The applicant is proposing an extension of 161 m² (1,734 ft²) for additional living space including three bedrooms, two washrooms, and a garage extension on the first floor. The proposed extension of the dwelling results in two different interior side yard setbacks, with the right being 1.47 m (4.8 ft) whereas 3.0 m (9.8 ft) is required, and the left being 6.14 m (20.1 ft) which exceeds the required minimum of 3.0 m (9.8 ft).

The applicants have identified that the subject lands have a lot area of 0.13468 ha (1,346.8 m²). Section 4.1.3 permits a lot which has a lot area that is up to 20% smaller than the zone's required minimum lot area to be used and a building or structure to be erected, altered or used on the lot. The minimum required lot area within the Rural Residential (RR) Zone is 0.2 ha (2000 m²) for lots existing as of October 19th, 1999. The purpose of this variance is to recognize the existing lot size and permit the alteration of the existing detached dwelling.

Upon further review of the application, it was determined that an additional variance is required for the proposed driveway expansion as a maximum width of 7.5 m is permitted and a width of 9.98 m is proposed. This relief was not identified in the public notice.

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	7.2.5	3 m (9.8 ft)	1.47 m (4.8 ft)	1.53 m (5.0 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 (2,000 m ²).	0.13468 ha (1,346.8 m ²)	0.06532 ha (653.2 m ²)
Ingress and Egress to Parking Areas for Residential Uses	5.1.10.3.2.b	5.1.10.3.2. Driveway width shall be measured along the lot line, and the entrance radii shall be in accordance with Township By-laws. b. A driveway may be a maximum width of 50% of the lot width or 7.5 m, whichever is less; and shall be located no closer than 0.6 m to the side lot line;	9.98 m (32.7 ft)	2.48 m (8.1 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 extend an existing one storey single detached dwelling through a 161 m² (1,734 ft²) addition which will include three bedrooms, two washrooms and a garage extension on the first floor. • The extension to the existing single detached dwelling will bring the building closer to the interior side yard (right) lot line than what is permitted within the zoning by-law. • The extension would result in a right interior side yard setback (right) of 1.47 m (4.82 ft). • The applicant is proposing to 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. • The applicant is proposing to extend their existing driveway of 6.48 m to a width of 9.98 m, which exceeds the maximum permitted driveway width of 7.5 m. • The proposed driveway extension would align with the addition and a new garage bay within said addition. The extension to the dwelling would result in creating a two door garage.

<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 Rural Residential (RR) within the Zoning By-law and are situated within the Hamlet of Promenade Park. • A detached dwelling is a permitted use within this zone. • A minimum interior side yard setback of 3.0 m is required within the RR Zone. This application proposes a 1.47 m interior side yard setback (right). The existing house interior side yard setback is exceeded. • The intent of an interior side yard setback is to allow for unencumbered movement between the front yard and rear yard of the property, and to allow for access and maintenance of the entire parcel. Interior side yard setbacks also ensure that drainage can be addressed on the subject property and to create a sense of consistency within the surrounding neighbourhood. • Section 7.2.1 requires the minimum lot area of existing lots as of October 19, 1999, to have a minimum lot area of 0.2 ha (2,000 m²). Township staff have confirmed the lot was in existence in advance of October 19, 1999. In addition, Section 4.1.3 allows lots having 20% less of the required minimum lot size. • The existing lot area of the subject property is 0.13468 ha (1,346.8 m²) and the proposed application seeks to recognize the subject property's existing lot area in order to allow the addition. • The by-law permits a driveway width to a maximum width of 50% of the lot width or 7.5 m, whichever is less; and shall be located no closer than 0.6 m to the side lot line. • 50% of the width of the property substantially exceeds the 7.5 m driveway width, therefore the maximum permitted width of the driveway is 7.5 m. • The applicant is proposing a width of 9.98 m which exceeds the maximum permitted width by 2.48. Although a substantial increase, it is identified that this will result in driveway access to a two bay garage. It was also noted that there are several dwellings within the area that have two car garages. • The proposed driveway will maintain a setback of 1.47 m to the side lot line, and will align with the setback of the proposed addition. • The purpose of a maximum driveway width is to maximize landscape areas of a property, control parking areas, limit impermeable surfaces to allow for adequate drainage, and provide consistency within the neighbourhood.
<p>That the general intent and purpose of the Official Plan is maintained</p>	<ul style="list-style-type: none"> • The subject property is designated as Hamlet Area within the County of Wellington Official Plan and is situated within the Hamlet of Promenade Park. • The primary residential use within Hamlets is directed to be low density single detached units.

<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. • The subject lands have been in existence for a substantial amount of time and the existing lot area, albeit smaller than permitted within the by-law, is similar in size to abutting lots. • There are some varying interior side yard setbacks within the surrounding neighbourhood, although most properties with varying interior yard setbacks have one smaller setback and maintain one larger setback for access to the rear yard. The subject lands are proposing an interior side yard setback (left) of 6.14 m to provide access to the rear yard. • The proposed reduction in the interior side yard will still maintain a sufficient setback for access. • The driveway width within the neighbourhood is generally consistent, as there are several properties with wider driveways and two bay garages. • The Township should consider comments received from the Public Works Department and Building Department regarding any concerns with servicing, grading or drainage.
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Agency Comments

- **Building Department:** That a grading plan completed by an engineer or surveyor for the proposed addition. The interior side yard setback is being reduced from the required 10 feet to less than 5 feet. Must ensure that the adjacent neighbour is not being affected by the grading because of the reduced setback and proposed addition.
- **GRCA:** The application is not regulated by the Grand River Conservation Authority under Ontario Regulation 150/06. As such, they are not providing comments.
- **Public Works:** The proposed site plan indicates an expanding driveway within the right of way which will require an entrance permit. The proposed driveway width will also require a variance as it exceeds the maximum permissible under the zoning by-law. No comments or concerns regarding the reduced setback.
- **Fire Department:** No comments received.
- **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 Comment

As identified in the background section an additional relief was identified by staff after the issuance of the public notice. Section 5.1.10.3.2.b of the By-law requires that a driveway may be a maximum of 50% of the lot width or 7.5 m, whichever is less. The proposed expanded driveway would have a width of 9.98 m. This is a substantial increase in width; however, the width is to provide driveway access to a proposed 2nd bay garage within the proposed addition. The Committee should be satisfied that this request is minor and that there will be no offsite drainage impacts to abutting properties based on the increase of impervious surface.

The proposed expansion will require adequate servicing. The Chief Building Official confirmed that servicing will be required to be reviewed as part of the Building Permit application.

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 the recommended conditions are implemented.

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: Site Plan

