



# PLANNING REPORT for the TOWNSHIP OF GUELPH ERAMOSA

23-17 CofA A05-23 – 5827 Fifth Line

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

**MEETING DATE:** October 25<sup>th</sup>, 2023  
**TO:** Chair and Members of the Committee of Adjustment  
Township of Guelph Eramosa  
**FROM:** Asavari Jadhav, Planner  
County of Wellington  
**SUBJECT:** **MINOR VARIANCE APPLICATION A05-23 (Kocher)**  
**5827 Fifth Line**  
**Ward 4**  
**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 without the benefit of a site visit.

### 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 A05-23 – 5827 Fifth Line and,

The relief being requested as part of Application A05-23 on the subject land be approved as follows:

1. Relief from Section 4.4.1.2 of Zoning By-law No. 40/2016 to permit an additional residential unit (ARU) with a floor area of 161.4m<sup>2</sup>, whereas a maximum floor area of 130m<sup>2</sup> is permitted.

The following condition is recommended as a condition of approval:

1. That the parking area for the additional residential unit shall not be located within 2 m of a building entrance or window of a habitable room.

### Background

The intent of the application is to convert an existing garage into an Additional Residential Unit. Relief from the Zoning By-law is required related to the gross floor area (GFA) of the accessory second unit. Figure 1 shows the subject lands of the application.

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

| Regulation - Additional Residential Unit | By-law Section | Required           | Proposed             | Relief Requested    |
|--|----------------|--------------------|----------------------|---------------------|
| Maximum size                             | 4.4.1.2        | 130 m <sup>2</sup> | 161.4 m <sup>2</sup> | 31.4 m <sup>2</sup> |



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 <b>minor</b> in nature                 | <ul style="list-style-type: none"> <li>• The applicant is requesting to permit an ARU with a floor area of 161.4 m<sup>2</sup>, which exceeds the maximum permitted floor area of 130m<sup>2</sup>.</li> <li>• The applicant is proposing to convert the entirety of the existing garage into an ARU.</li> <li>• It is noted that the creation of the unit does not result in the proposal for a new driveway access.</li> <li>• We would consider the variance minor in terms of impact.</li> </ul>                                      |
| That the intent and purpose of the <b>Zoning By-law</b> is maintained | <ul style="list-style-type: none"> <li>• The subject property is zoned Agricultural (A) and Environmental Protection (EP).</li> <li>• A detached dwelling is a permitted use within the A Zone. An ARU is also permitted provided the requirements of Section 4.4 of the By-law can be met.</li> <li>• The ARU is proposed within the main floor and attic of the existing garage.</li> <li>• Section 4.4.1.2 requires that 'the maximum gross floor area of an ARU shall be no more than an amount equal to 45% of the GFA of</li> </ul> |

|   |  |
|---|--|
|   | <p>the main dwelling to a maximum size of 130m<sup>2</sup>.</p> <ul style="list-style-type: none"> <li>• The proposed ARU is 44.8% of the floor area of the main dwelling with a maximum GFA of 161.4 m<sup>2</sup>.</li> <li>• The calculation of the maximum floor area for the ARU and the main dwelling shall also include a cellar and attic if these spaces would meet the definition of a habitable room’.</li> <li>• The intent of providing a maximum GFA for an ARU is to ensure that the unit remains subordinate in use and function to the main dwelling.</li> <li>• The ARU is within the main floor and attic of the existing garage.</li> <li>• Section 5.1 requires two (2) parking spaces for the detached dwelling and one (1) parking space for the accessory second unit, a total of three (3) parking spaces are required. The existing attached garage to the dwelling and the existing parking area provide adequate space to accommodate the required parking spaces.</li> <li>• Further, Section 5.1.10.2.2 requires no part of a parking area shall be located within 2 m of a building entrance or any window of a habitable room. It is noted that the applicant has not provided a detailed site plan showing the required parking spaces. Therefore, a condition has been proposed to confirm that the parking area is located outside this 2 m setback to ensure zoning compliance.</li> <li>• All the existing buildings meets all setback requirements.</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 property is designated Prime Agricultural, Core Greenlands and Greenlands within the County Official Plan.</li> <li>• Identified features include a Provincially Significant Wetlands, Significant Wooded Areas and Grand River Conservation Authority Regulated Wetlands.</li> <li>• Single detached homes and Additional Residential Unit are permitted uses within the Prime Agriculture designation.</li> <li>• The existing dwelling and the proposed ARU are located completely within Prime Agriculture designation.</li> <li>• As per Section 4.4.6.2 the ARU shall be secondary to the main residence and is located within the main building cluster on the property. Further, the ARU is prohibited from being severed from the property.</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 property is bounded by residential and agricultural uses.</li> <li>• The existing buildings on the subject property include a principal dwelling and a garage.</li> <li>• The proposed variance would facilitate conversion of the existing garage into an ARU.</li> <li>• Although the proposed ARU exceeds the maximum permitted GFA of 130m<sup>2</sup> it is within maximum permitted 45% of the floor area of the main dwelling.</li> <li>• The area is exceeded as the intent is to convert the entirety of the existing garage to an ARU.</li> </ul>   |

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|--|--|
|  | <ul style="list-style-type: none"> <li>• The subject lands are serviced by private well and septic system. Servicing capacity and requirements will be reviewed as part of the building permit. Any comments regarding requirements for servicing from the Building Department should be considered.</li> <li>• The proposed variance is appropriate development and desirable for the use of the land.</li> </ul> |
|--|--|

**Agency Comments**

- Building Department: A Building and Septic Permit will be required for turning the existing detached garage into a dwelling unit.
- GRCA: No concerns.
- Public Works: No concerns.
- Fire Department: No concerns.
- Source Water Protection: No concerns.

**Planning Comments**

The subject property is serviced by private sewer and water services. Review to ensure adequate servicing will be completed as part of the Building Permit review. A condition regarding parking has been proposed to ensure conformity with the Zoning By-law.

**Conclusion**

Although planning staff would prefer that this area not be exceeded, it is understood that the intent is to utilize an existing structure. 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. Should the Committee be satisfied, we recommend conditions to ensure zoning compliance.

Respectfully submitted,  
County of Wellington Planning and Development Department




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Asavari Jadhav  
Planner

Reviewed by  
Township of Guelph Eramosa CAO

  
  
  


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Ian Roger, P.Eng.  
CAO

**SCHEDULE 1: Sketch provided by the applicant**

