



## PLANNING & DEVELOPMENT

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To: Members of the Town of Goderich Committee of Adjustment  
Jason Dykstra, Secretary of the Committee of Adjustment  
From: Victor Kloeze, Senior Planner  
Randi Burke, Planning Student  
Date: September 8<sup>th</sup>, 2022

**Re: Application for Minor Variance GOD MV05-22**

Lot 197, Plan 457 in the Town of Goderich

Municipal Address: 53 Wellesley St

Owner: Ben MacAdam

Applicant: Douglas D Culbert

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### Recommendation

It is recommended that this application for minor variance be approved subject to the following conditions:

- (1) The proposed addition be constructed consistently with the site plan and design elements included in the drawings package submitted with the application, to the satisfaction of the Town's Chief Building Official.
- (2) A privacy screen on the raised deck, to the satisfaction of the Chief Building Official.
- (3) The approval is valid for a period of 18 months from the Committee's decision.

### Purpose

The purpose of this application is to increase maximum lot coverage and increase maximum height of an accessory building in order to build a two story garage for storage. When submitted, the applicants intended for a second unit above the garage. As the existing dwelling is already two units the minor variance is not the appropriate application to permit a third unit. Despite the error, the applicants have asked that the variance be processed to consider an accessory building with no residential unit.

Section 6.9.4.1 (Accessory Uses - Height) of the Town's Zoning By-law limits the height of all accessory buildings in a residential zone to a maximum of 4.5 metres. The application requests a relief to permit a 6.5 metre maximum accessory building height.

Section 6.9.5.1 (Accessory Uses - Lot Coverage / Building Area) of the Town's Zoning By-Law establishes that in a residential zone, the total lot coverage of all accessory buildings and structures shall not exceed the lesser of 65 square metres of gross building area or 10% of the lot area. The application requests a relief to permit an accessory building lot coverage of 89.2 square meters.

The subject property is designated Residential in the Town of Goderich Official Plan and is zoned Low Density Residential (R2) on Key Map 6 of the Zoning By-law 124-2013

Figure 1, below, shows an aerial photo of the subject property. As shown, the existing house is located on a corner lot to the South of Quebec Street and East of Wellesley Street.

**Figure 1. Aerial Photo of subject property**

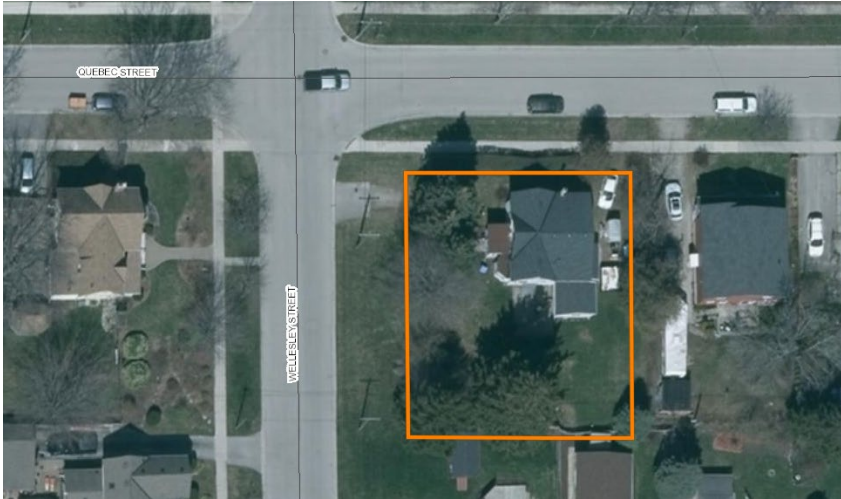
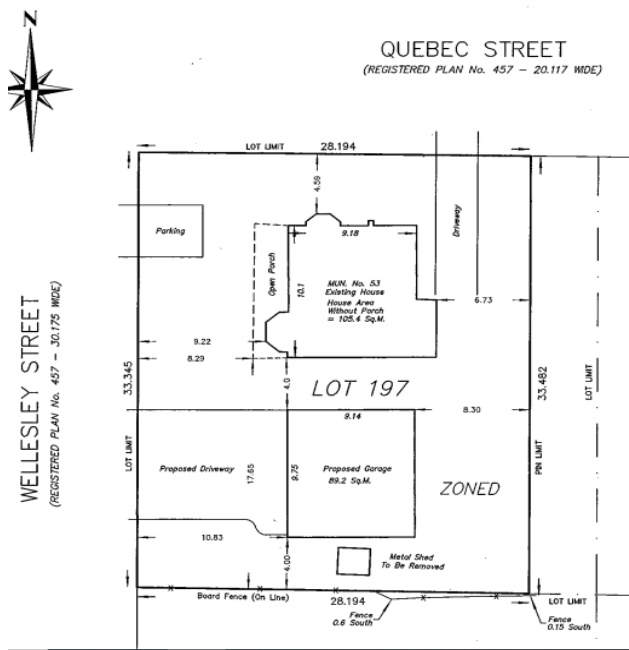


Figure 2 and 3, below, show the submitted proposed site plan and elevation drawings, with the new accessory building to the East of Wellesley Street and South of the existing dwelling.

**Figure 2 Plan of proposed accessory building**



**Figure 3. Proposed Building Elevations (clockwise from top left – views looking at the building from the west, south, east, and north)**



## Review

In considering an application of minor variance, Section 45(1) of the Planning Act gives authority of granting minor relief from the provision of the Zoning By-Law to the Committee of Adjustment. Such relief can only be granted if the application is minor in nature, is an appropriate use of the land, and that the development maintains the intent of the Official Plan and Zoning By-law.

### Does the variance maintain the intent of the Official Plan?

The subject lands are designated Residential in the Town of Goderich Official Plan. The subject site is an existing residential use and an accessory use is permitted within the residential goals and policies of the Goderich Official Plan. The building design includes the use of a pitched roof and gable along with massing similar to existing buildings along the street to be considerate and sensitive to the characters or the area.

While the applicants hope in the future for the upper floor of the accessory building to be a dwelling unit, in consistency with the direction of the County Official Plan, Planning Act and Provincial Policy Statement, the local Official Plan has not yet been updated to allow for a second additional residential unit on existing residential lots. The applicant is aware that the building cannot contain a third residential unit at this time without a zoning amendment application, or without Council updating their Official Plan and Zoning By-law to be consistent with the Provincial Policy Statement and to conform to the Planning Act requirements and the direction of the County Official Plan.

The application maintains the intent and purpose of the Official Plan.

**Does the variance maintain the intent and purpose of the Zoning By-law?**

A detached garage is considered an accessory building within the Zoning By-Law

The requested variance would increase the maximum height of an accessory building from 4.5 metres to 6.5 metres. The Zoning-by-law sets maximum height of an accessory building for a number of reasons, including to maintain some consistency in building heights and aesthetic reasons, as well as to manage 'overlook' on surrounding residential properties.

The requested variance would also increase the total lot coverage of the proposed accessory building from the allowed 65 square metres of gross building area or 10% of the lot area (lesser) to 89.2 square metres. Lot coverage restrictions for accessory buildings allows for a balance between lot size and the permitted structures to allow for proper drainage, space for amenities and green space; as well as aesthetics.

In consideration of the building design and the proposed setbacks, particularly the increased setback of 8.3 metres from the neighbour to the east, the proposed accessory building appears appropriate. As the neighbour to the east has submitted concerns regarding privacy and the design of the building, two conditions are being recommended; the first to require the construction to be consistent with the drawings submitted with the application, and the second to require a privacy screen on the raised deck. Surrounding lots have a wide range of lot coverage due to the age of the neighbourhood. The increased lot coverage for an accessory building is not expected to effect drainage, amenity space and green landscaping, due to the landscaped open space requirement being exceeded and the overall maximum lot coverage not being impacted. Due to the size of the lot, the proposed building design appears to appropriately maintain the relationship between the main building and the accessory building.

The application maintains the intent and purpose of the Zoning By-law.

**Is the application desirable for the appropriate development of the land, building or structure?**

The proposed design fronts on Wellesley Street and will maintain the privacy of yards to the east and south properties. The variances will enable the property owner to build a structure without compromising the look and feel of the neighbourhood. Due to the larger size of the subject property than many lots in the Town, the scale of the proposed garage is considered appropriate, along with the relief necessary from the By-law. Issues related to appropriateness have been addressed also under the earlier tests.

The application is desirable for the appropriate development of the site.

**Is the variance minor?**

The proposed variances are not expected to have a significant impact on the surrounding neighbourhood nor will they impact the ability of adjacent neighbours to use their properties for permitted uses. The variance is considered minor in nature and impact.

### **Comments Received**

- Kym & Ken Campbell, the neighbours to the east, have submitted a letter with concerns (original is being provided on the Committee agenda). These concerns have been thoroughly considered in preparation of the planning report. While the proposed deck is permitted as-of-right and is not the subject of a variance in front of the committee, conditions to address the Campbell's concerns have been included with the willingness of the applicant.
- Additional items may be raised before or during the public hearing.

### **Conditions**

Three conditions are recommended to be attached. The first would require the construction of the addition to be consistent to the drawings package submitted with the application, the second would require a privacy screen on the raised deck, and the third would limit the minor variance to be valid for a period of 18 months from the Committee's decision.

### **Conclusion**

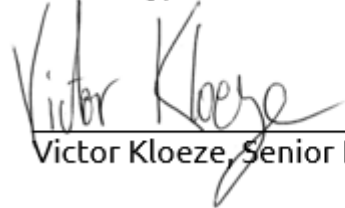
The proposed variance is minor, appropriate, and maintains the intent of the Official Plan and Zoning By-law. It is recommended that this application for minor variance be approved subject to the recommended conditions.

### **Effect of Public and Agency Comments**

No agency concerns were received. Questions and concerns were received from a neighbour and thoroughly considered, and resulted in condition(s) being included to address their concerns.

If the Committee concurs with the planning report regarding the effect of public and agency comments it's recommended they pass a motion to that effect.

Sincerely,

A handwritten signature in black ink, appearing to read "Victor Kloeze", written over a horizontal line.

Victor Kloeze, Senior Planner, RPP MCIP