



**PLANNING REPORT #22/29
for the TOWNSHIP OF GUELPH ERAMOSIA**

CofA A10-22– 122 George Street E

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

MEETING DATE: August 31st, 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 A10-22 (Crescent Haven Homes Inc.)
122 George Street E
Ward 4**
SCHEDULES: **1 - Submitted Site Plan
2 – Elevation Drawings
3 – Site Plan Approximate Flood Plain Location for EP Zone Boundary
Interpretation**

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 A10-22 – 122 George Street E, and;

The relief being requested as part of Application A10-22 be approved as follows:

1. Relief from Section 8.2.1.8 of Zoning By-law No. 40/2016 to permit a maximum building height of 12.2 m (40.0 ft) where a maximum of 9 m (29.5 ft) is required.
2. Relief from Section 4.25 to permit a 0m setback from the Environmental Protection (EP) Zone, whereas the minimum required setback from the limit of the EP Zone is 30m.

Background

The purpose of the application is to construct a detached dwelling on the subject lands within the Urban Centre of Rockwood. Relief from the Zoning By-law is required related to the height of the proposed dwelling (measured at the front of the building) and to acknowledge a 0 m setback from the limit of the Environmental Protection (EP) Zone.

122 George Street E was created through consent application B51-18 which was granted provisional approval in July 2019, and was completed in September 2020. The property contains slope valley and flood plain associated with the Richardson Creek. As part of this consent application, Grand River Conservation Authority (GRCA) reviewed a slope stability analysis and addendum prepared by Engtec Consulting Inc. In GRCA's comments for the severance it was indicated that the proposed residential

development would not cause slope instability. GRCA had no objections to the proposed severance to create residential lots for the severance application. Township Council was in support of the applications and County Planning Staff supported the application.

In 2021, consent application B115-20 received approval granting permission for a servicing easement for 310 Main Street and the three other lots created through consent applications B50-18 and B51-18.

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

Regulation	By-law Section	Required	Proposed	Relief Requested
Maximum Building Height	8.2.1.8	Maximum height of 9 m (30 ft)	12.2 m (40.0 ft)	3.2 m (10.5 ft)
Setbacks from Environmental Protection Zone	4.25	Setback of 30 m to the limit of an Environmental Protection Zone	0 m	30 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:
<p>That the requested variance is minor in nature</p>	<ul style="list-style-type: none"> • The applicant is requesting relief to facilitate the construction of a detached dwelling on a vacant parcel of land within the Urban Centre of Rockwood. • The relief requested is to permit the dwelling to exceed the maximum height provisions of the Village Residential Low Density (R1) Zone, as well as request relief from the minimum setback of 30 m from the limit of the Environmental Protection (EP) Zone. • The subject lands contain a steep grade change from the northwest portion of the property to the south east portion. As a result, the dwelling is proposed to be constructed into the slope with lowest grade along the building located at the front of the dwelling along George Street E. The height at the front of the dwelling is proposed to be 12.2 m, whereas the height at the rear of the building is proposed to be 8.5 m. • Due to the topography of the lot and how the By-law measures height, not all sides of the dwelling exceed the maximum height of the R1 Zone contributing to decreasing the visual impact on the surrounding residential uses. • The overall size of the building is still restricted as the additional height is the result of the lot's grade change and due to the definition of how height is measured within the Zoning By-law. • The properties in the immediate area are residential uses with a variety of dwelling designs including a mix of two-storey, 1.5 storey, one-storey dwellings and townhouse and semi-detached dwellings to the north. The proposed development is for a two-storey dwelling.
<p>That the intent and purpose of the Zoning By-law is maintained</p>	<ul style="list-style-type: none"> • The subject property is within Village Residential Low Density (R1) Zone, with a small portion of the Environmental Protection (EP) Zone identified on-site. • A detached dwelling is a permitted use within the R1 Zone. • The maximum height of a detached dwelling within the R1 Zone is 9 m in accordance with section 8.2.1.8 of the By-law, whereas the applicant is proposing a detached dwelling with a height of 12.2 m. • The definition of 'height' within the zoning by-law, directs that height is measured as the vertical distance between the finished grade of the centre of the front of the building and the average level between the eaves and ridge for a gable roof. As the front of the proposed dwelling is located at the point of the building with the lowest grade it results in the tallest height measurement for the building. • The intent of having a maximum height within the By-law is to ensure compatibility and to minimize visual impacts of the building on surrounding land uses, and to manage the overall size of buildings.

	<ul style="list-style-type: none"> • The proposed dwelling meets all other requirements of the R1 Zone for a detached dwelling including setbacks, lot coverage etc. • Section 4.25 of the By-law requires minimum setbacks from the Environmental Protection (EP) Zone. This section requires that no building or structure shall be constructed within 30 m of the limit of the EP Zone. The By-law provides some flexibility that the setback may be reduced to a setback permitted by the applicable Conservation Authority through more detailed mapping of individual sites. It further clarifies that where more detailed mapping is available minor adjustments to the boundary may be made and the permitted uses of the adjacent zone will be applicable. • Through discussion with GRCA, it was determined that the EP Zone could be reinterpreted under section 4.25 of the By-law to align with the mapping delineation of the flood plain on the subject lands as the slope valley feature will not be impacted by the proposed development (Schedule 3). • With this reinterpretation the proposed dwelling is located outside of the Flood Plain and the EP Zone, however the exact setback to the limit is unknown so a setback of 0 m has been identified and included in the request for relief. The minor variance application seeks to identify that a setback of 0 m from the EP Zone is proposed. The GRCA has no objections to this setback. • GRCA comments received indicate no objection to the minor variance application, a reduced setback from the EP Zone, GRCA permit (#107/22) has been issued for the property to permit the development of the detached dwelling.
<p>That the general intent and purpose of the Official Plan is maintained</p>	<ul style="list-style-type: none"> • The subject lands are designated as Residential and Core Greenlands within the County of Wellington Official Plan. • Detached dwellings are permitted within the Residential Designation. • The Greenlands System features on the property are hazard features including flood plain and slope valley. The natural features that make up the EP Zone on the subject lands. • As part of consent application B51-18 GRCA provided comments that the proposed development would not cause slope instability. • The proposed dwelling is located outside of the floodplain delineated in the Official Plan. • GRCA comments indicate no objection to the minor variance application and note that GRCA permit (#107/22) has been issued for the property to permit the development of the detached dwelling.

<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 lands are located within the Urban Centre of Rockwood. • The subject property is bounded by existing residential uses to the north and south and include dwellings with a variety of designs. The properties to the east and west are currently vacant, with proposed residential development through related minor variance applications A08-22, A10-22, and A11-22. • It is understood that the additional height for the proposed dwelling is a result of the proposed dwelling being constructed into a slope with the lowest grade at the building's front where height is measured. Not all sides of the dwelling exceed the maximum height in the R1 Zone which contributes to decreasing the visual impact of the proposed dwelling. The size of the dwelling remains restricted as the additional height is the result of how height is defined in the By-law as well as the height of the grade around the base of the dwelling. The immediate surrounding land uses are residential with a variety of dwellings with a variety of designs. • The proposed dwelling also meets all other requirements of the R1 Zone for detached dwellings. • The Committee should consider any comments from Township staff regarding grading and drainage. • The proposed dwelling is located outside of the flood plain delineated in the Official Plan and a permit was issued from GRCA for the proposed development. • The subject property is proposed to be serviced by municipal sewer and water. Servicing will be reviewed as part of the building permit application. • The GRCA has expressed no concerns, they support a reduced EP Zone setback, and have issued a development permit.
---	---

Agency Comments

- **Building Department:** No comment received at the time of this report.
- **GRCA:** The GRCA has no objection to the additional Minor Variances (0m setback from the EP zone and reduced rear yard and has no objection to the mapping that reflects the current conditions of the features on-site. We note that GRCA permit 107/22 has been issued for the property to permit the development of a single detached home.
- **Public Works:** No comments or concerns.
- **Fire Department:** No comment or objection.
- **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.

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

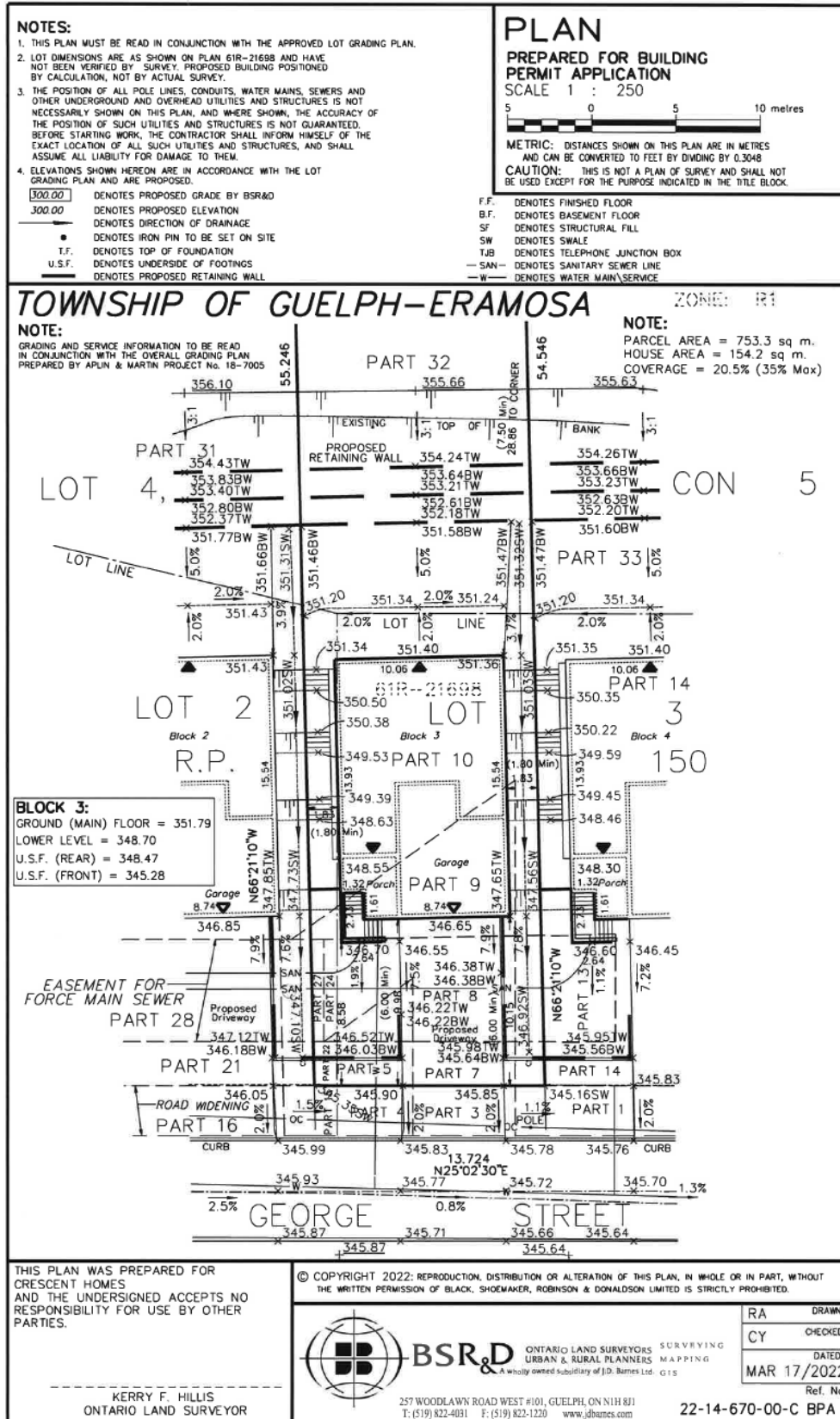


Joanna Salsberg, B.A., M.P.L., Planner

Reviewed by
Township of Guelph Eramosa CAO

Ian Roger, P.Eng.
CAO

SCHEDULE 1: Submitted Site Plan



THIS PLAN WAS PREPARED FOR CRESCENT HOMES AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

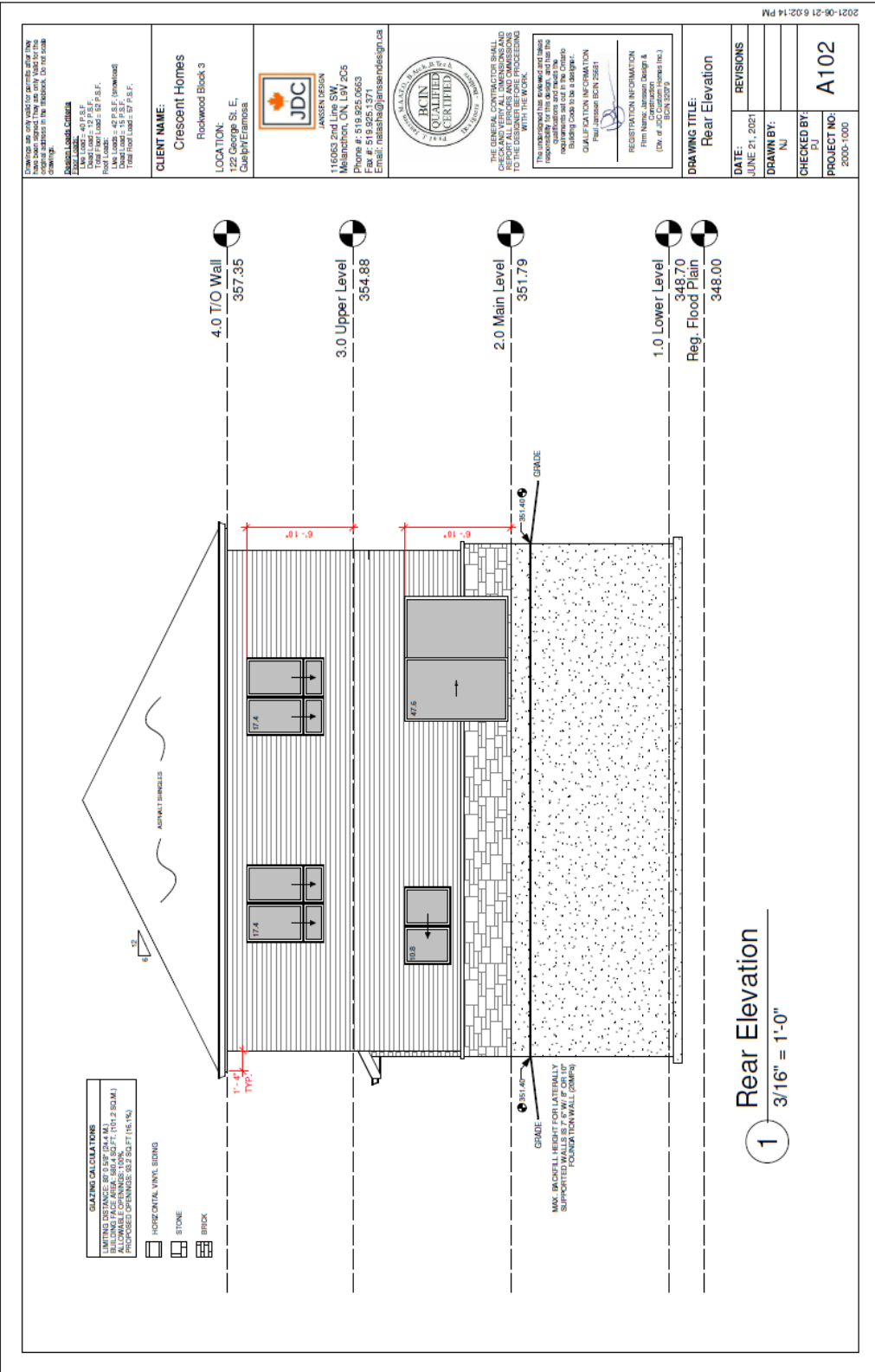
KERRY F. HILLIS
 ONTARIO LAND SURVEYOR

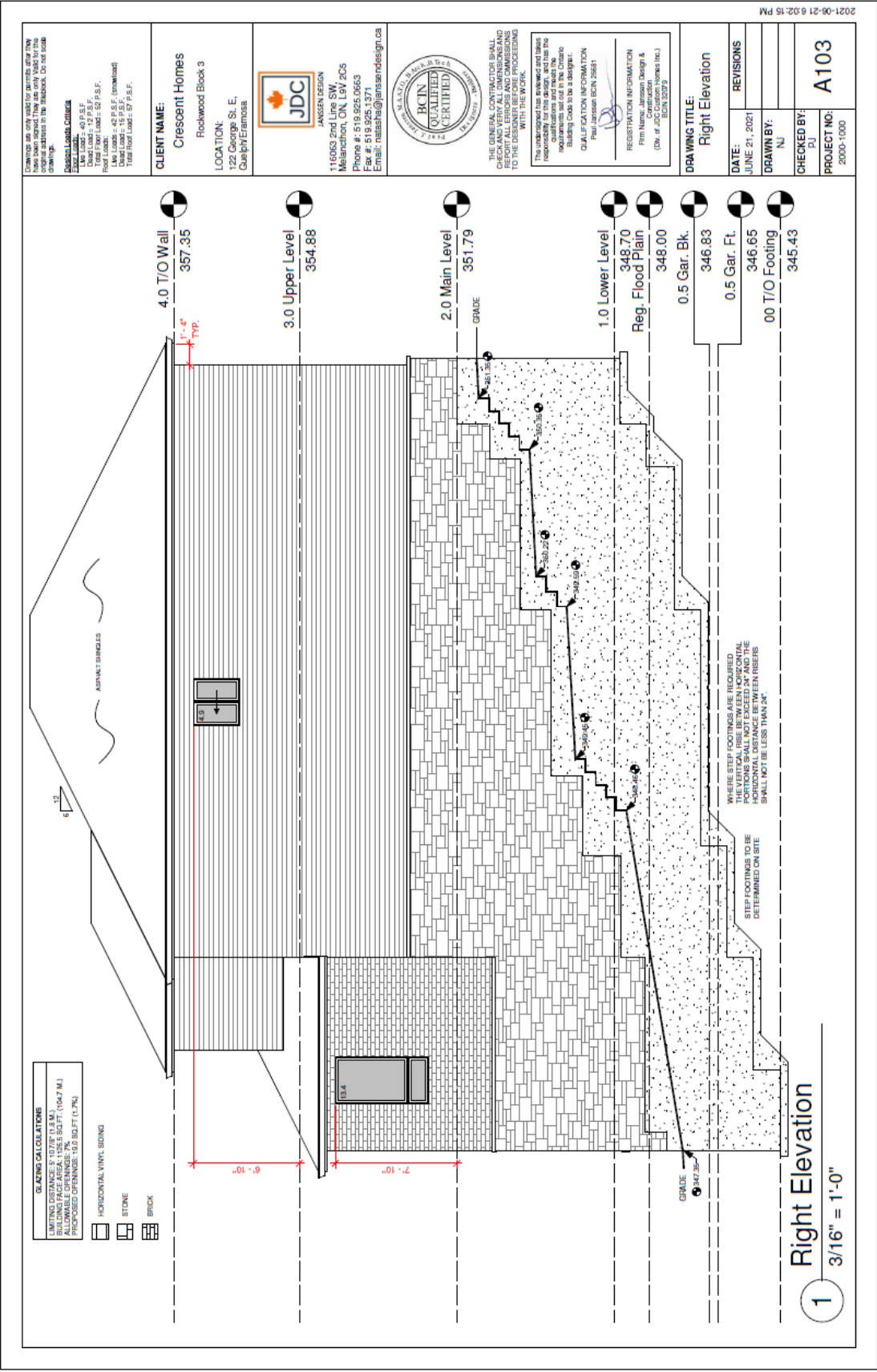
© COPYRIGHT 2022: REPRODUCTION, DISTRIBUTION OR ALTERATION OF THIS PLAN, IN WHOLE OR IN PART, WITHOUT THE WRITTEN PERMISSION OF BLACK, SHOEMAKER, ROBINSON & DONALDSON LIMITED IS STRICTLY PROHIBITED.

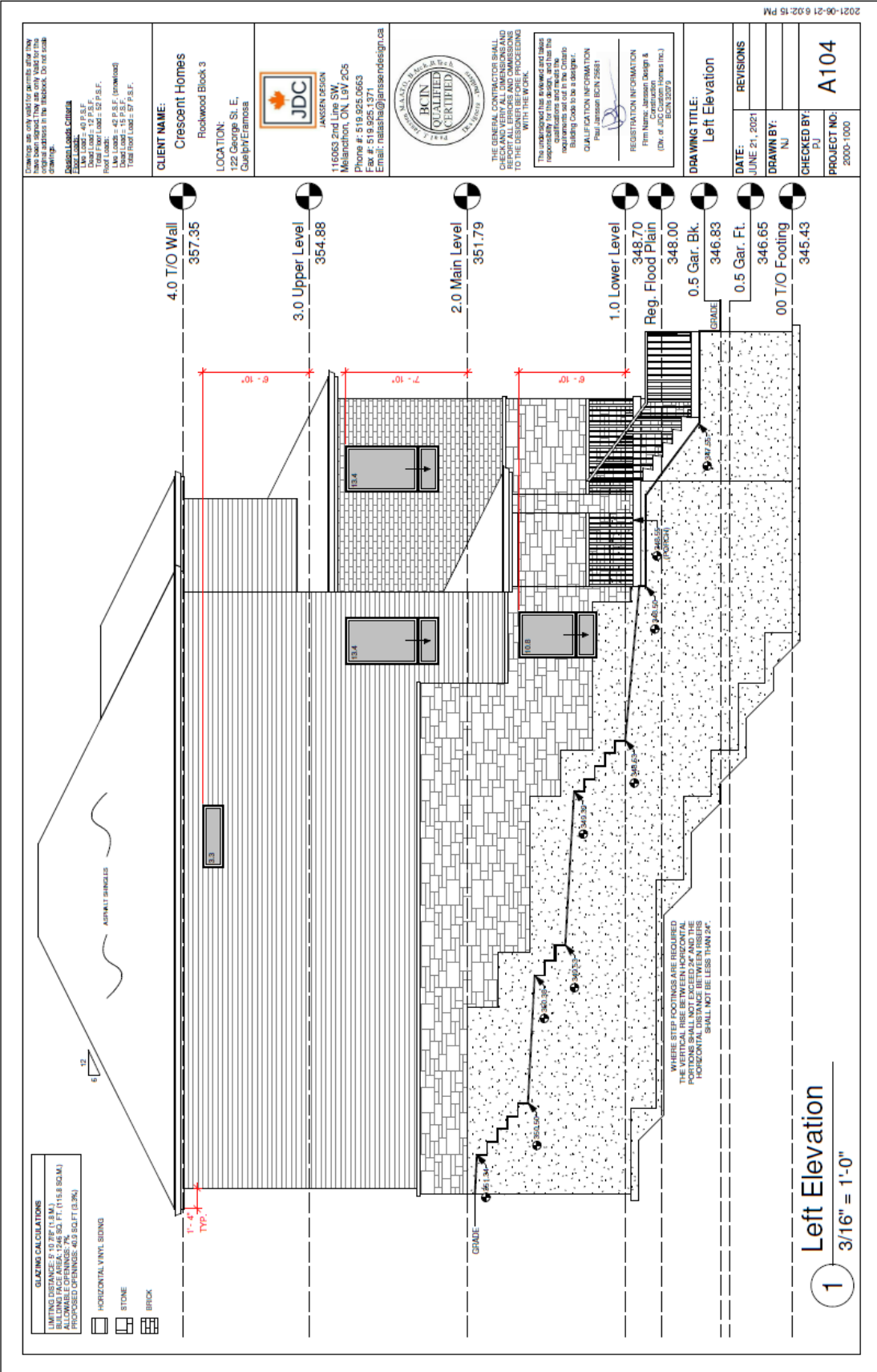
BSR&D ONTARIO LAND SURVEYORS SURVEYING
 URBAN & RURAL PLANNERS MAPPING
 A wholly owned subsidiary of J.D. Barnes Ltd. G15

257 WOODLAWN ROAD WEST #101, GUELPH, ON N1H 8J1
 T: (519) 822-4031 F: (519) 822-1220 www.jdbarnes.com

RA	DRAWN
CY	CHECKED
DATED: MAR 17/2022	
Ref. No. 22-14-670-00-C BPA	







2021-06-21 6:02:15 PM

SCHEDULE 3 - Site Plan Approximate Flood Plain Location for EP Zone Boundary Interpretation

