



PLANNING REPORT 22-36 for the TOWNSHIP OF GUELPH ERAMOSIA

CofA A12-22 – 6920 Wellington Rd 124

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

MEETING DATE: October 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 A012-22 (Paul)**
6920 Wellington Road 124
Ward 1
SCHEDULES: **1 – Existing Buildings Aerial Image**
2 – Site Plan Submitted by Applicant
3 – Floor Plan and Building Elevations

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 October 17th, 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 A12-22 – 6920 Wellington Rd 124, and

The relief being requested as part of Application A12-22 on the subject land be approved as follows:

1. Relief from section 4.4.1.2 of Zoning By-law No. 46/2022 to permit an additional residential unit with a maximum floor area of 172 m², whereas the maximum permitted maximum floor area permitted is 130m².

The following condition is recommended as a conditions 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

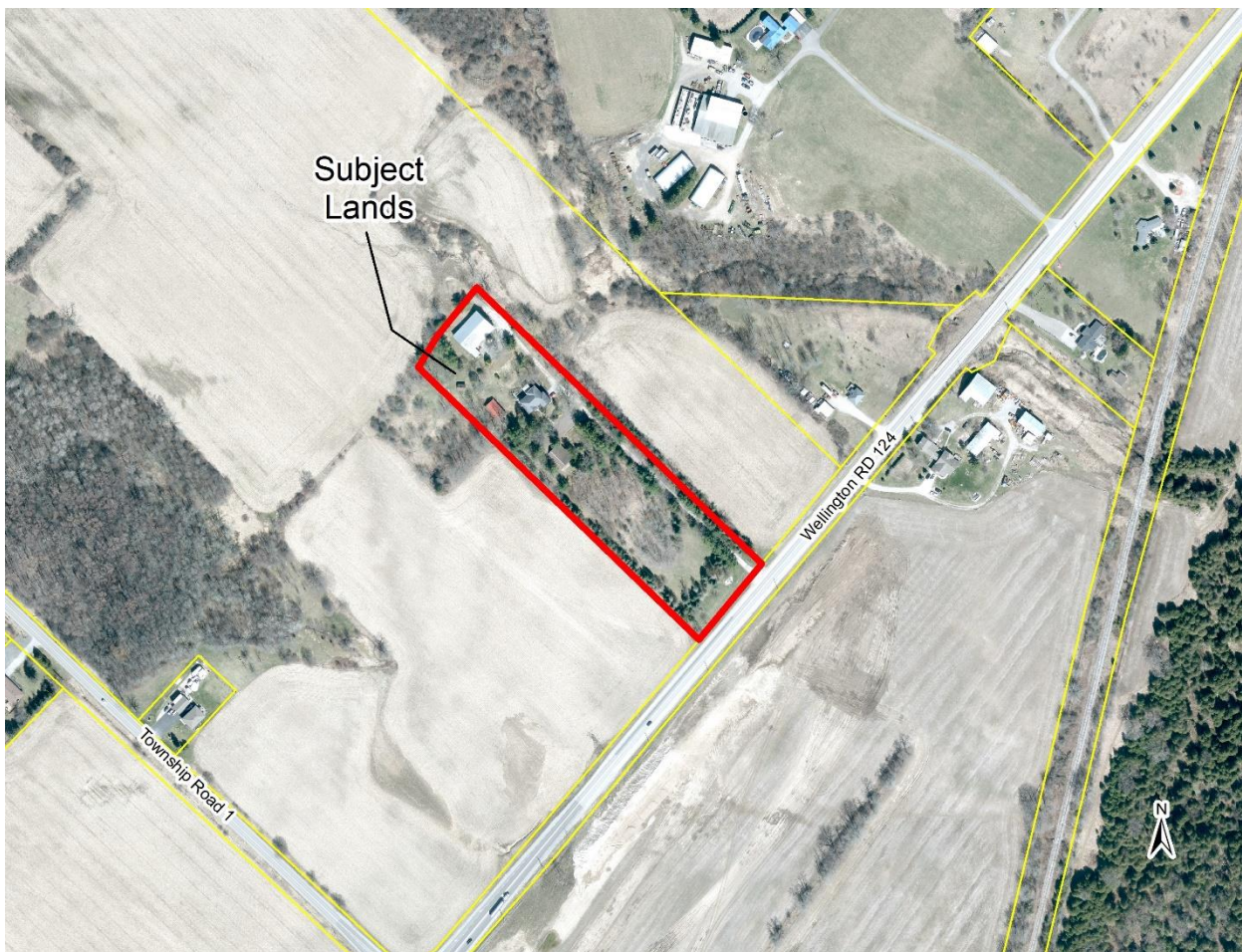
The intent of this application is convert the whole of an existing building on the subject lands into an accessory residential unit (ARU). The building has a floor area of 172 m². The applicants have advised that the use of the building has varied over the years including beginning as a veterinary clinic approximately 40 years ago, and then transitioning to a day care, and since 2009 has been used as a karate school. Relief from the Zoning By-law is required related to the floor area of the ARU. **Figure 1** shows the subject lands of the application.

The Township recently undertook a detailed review and update of the ARU provisions and through this review increased the size of the ARU to 130 m² and to continue using two criteria for size (% and an area cap). This amendment to the By-law was approved this year.

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

Regulation	By-law Section	Required	Proposed	Relief Requested
Maximum Floor Area of an ARU	4.4.1.2	130 m ² (1,399 ft ²)	172m ² (1,851 ft ²)	42m ² (452 ft ²)

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 minor in nature	<ul style="list-style-type: none"> The applicant is requesting relief to permit the conversion of the entirety of an existing building on the subject lands into an accessory building devoted entirely to an additional residential unit (ARU). The proposed floor area of the ARU is 172 m², which exceeds the

	<p>maximum permitted floor area for an ARU of 130 m² by 42 m².</p> <ul style="list-style-type: none"> • The applicant has noted that the existing building has had a number of uses since its construction and the applicant is proposing to convert the entirety of the building into an ARU. • The building is existing on the parcel and no additional external construction is proposed to modify the use of the building. • The location of the building is well setback from Wellington Rd 124 and does not result in a proposal for a new driveway access. • The building is well screened by existing vegetation which minimizes visual impacts of the accessory second unit from Wellington Rd 124 and abutting properties. • The applicant has indicated that the height of the building is 3.79 m which does not exceed the height of the principal dwelling (5.8 m) and does not exceed the permitted maximum height for an ARU of 5 m. • The accessory building is located within the building cluster on the subject lands and is located 28 m from the principal dwelling.
<p>That the intent and purpose of the Zoning By-law is maintained</p>	<ul style="list-style-type: none"> • The subject lands are located within a site specific Agricultural Zone (A 21.25). The A 21.25 zone provides permissions for a veterinary clinic in addition to the permitted uses of the A Zone. • 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. • Section 4.4.1.2 requires that ‘the maximum floor area of an additional residential unit shall be no more than an amount equal to 45% of the floor area of the main dwelling up to a maximum size of 130 m². The calculation of the maximum floor area for the additional residential unit and the main dwelling shall also include a cellar and attic if these spaces would meet the definition of a habitable room’. • The intent of providing a maximum floor area for an accessory second unit is to ensure that the unit remains subordinate in use and function to the main dwelling. • Although the proposed ARU exceeds the permitted maximum floor area cap of 130 m², the unit does not exceed the percentage cap of 45%. The unit is equal to 34.2% of the floor area of the principal dwelling. • The proposed unit meets all other requirements of the Township Zoning By-law for ARUs. • Section 5.1 directs that a total of three parking spaces are required for the property, including two spaces for the single detached dwelling and one parking space for the ARU. These required spaces can be accommodated within the existing parking area. • Section 5.1.10.2 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 a portion of the parking area for the ARU appears to be within 2 m of an entrance or window of a habitable

	<p>room. A condition has been proposed to ensure the parking area is located outside this 2 m setback to ensure zoning compliance.</p> <ul style="list-style-type: none"> • Section 4.24.1 of the By-law provides direction regarding MDS I. It provides that the requirements for MDS I compliance does not apply to lots existing as of October 19th, 1999 which are less than 4 ha. The applicants have provided documentation showing that the lot was in existence in advance of this date. The lot is approximately 2.15 ha in size.
<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 Prime Agricultural within the County of Wellington Official Plan. • Single detached homes and ARUs are permitted within Prime Agricultural Areas. Section 4.4.6 of the Official Plan requires that ARUs are subordinate in scale and function to the principal dwelling on the property. • ARUs are permitted as a separate standalone ancillary building or as part of an ancillary building. • It is noted that the ARU is located within the main building cluster, is within 60 m of the principal dwelling, and is secondary in scale and function as required by the Official Plan. • The general intent of the Official Plan is maintained.
<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 bounded by agricultural and rural residential uses to the north, east and west, and aggregate extractive uses to the south. • The existing buildings on the subject property include an principal dwelling, storage shed, stable, and barn, as well as the existing building proposed to be converted to an ARU. • The ARU is currently serviced by an existing septic system, water and hydro. Servicing will need to be reviewed for adequacy through a building permit application to convert the building. Any comments regarding requirements for servicing from the Building Department should be considered. • It is preferred that the area applicable in the By-law be maintained as this was recently reviewed in detail and increased through a Township initiated amendment. However, it is noted that the ARU is only approximately 34% of the existing dwelling. The cap in scale is in place to control scale of these uses. • The area is exceeded as the intent is to convert the entirety of an existing building, with no external modifications proposed, to an ARU use rather than use a percentage of the building. • Parking for the ARU and the main dwelling can be accommodated on the lot, the unit is located within the building cluster, the ancillary building is well screened from Wellington Rd 124 and partially screened from surrounding properties, and the dwelling proposes to share the same access with the main dwelling.

Agency Comments

- **Building Department:** No comment for the purposes of the minor variance. The conversion of this building will require a ‘Change of Use’ permit if no construction is required, or a ‘Building Permit’ if construction is needed. The existing septic system will need to be reviewed as part of the permit application.
 - **Planning Comment** – This has not been included as a condition of the variance but is required to be addressed prior the structure being used as a dwelling.
- **GRCA:** No objection.
- **Fire Department:** No comments received at the time of report preparation.
- **Public Works:** No objections.
- **Wellington Source Water Protection:** The application can be screened out and it does not require a Section 59 notice under the *Clean Water Act*.

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, that the unit is still subordinate in scale, and further that the dwelling is well screened from the road/view. Should the Committee be satisfied, we recommend a condition to ensure zoning compliance.

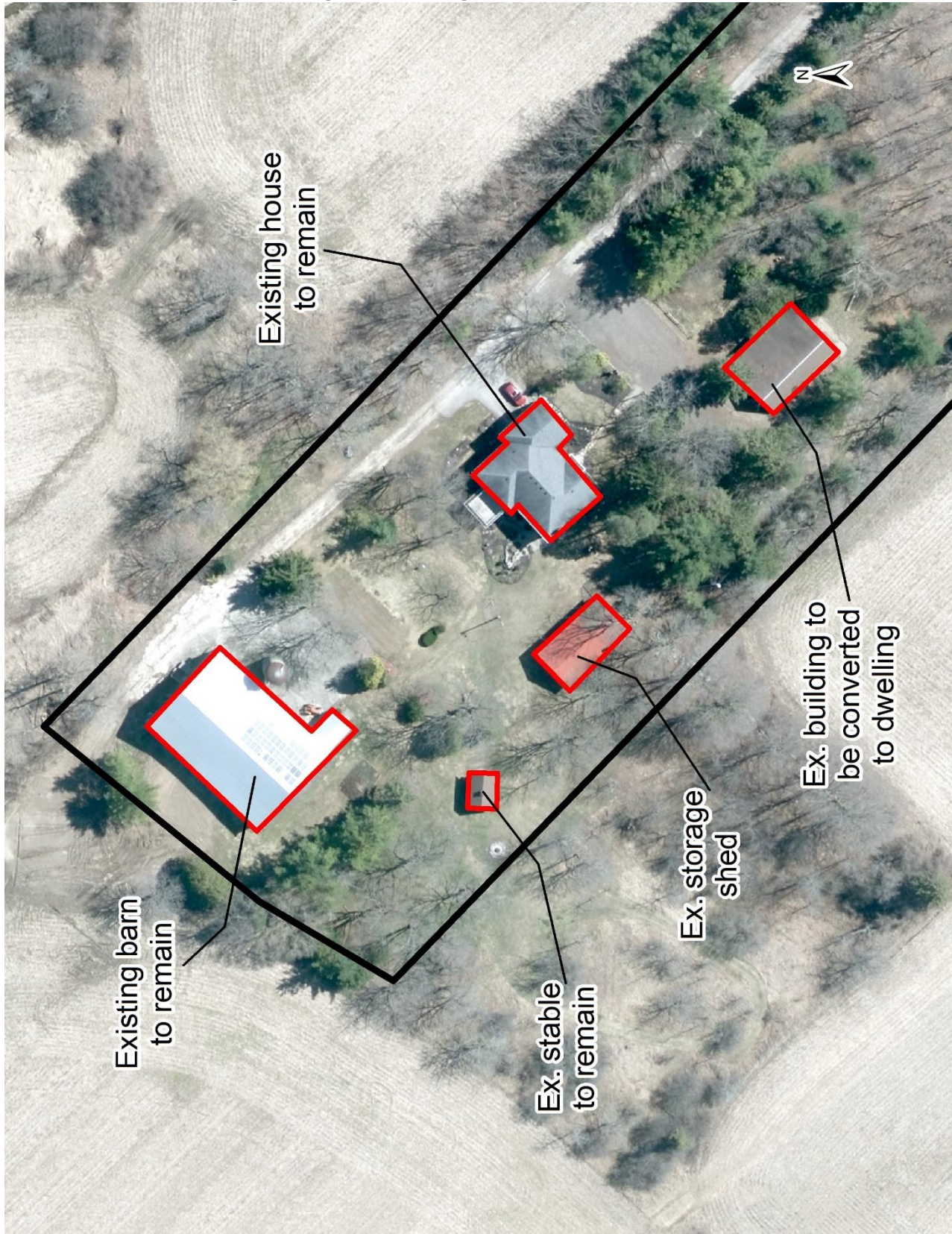
Respectfully submitted
County of Wellington Planning and Development Department



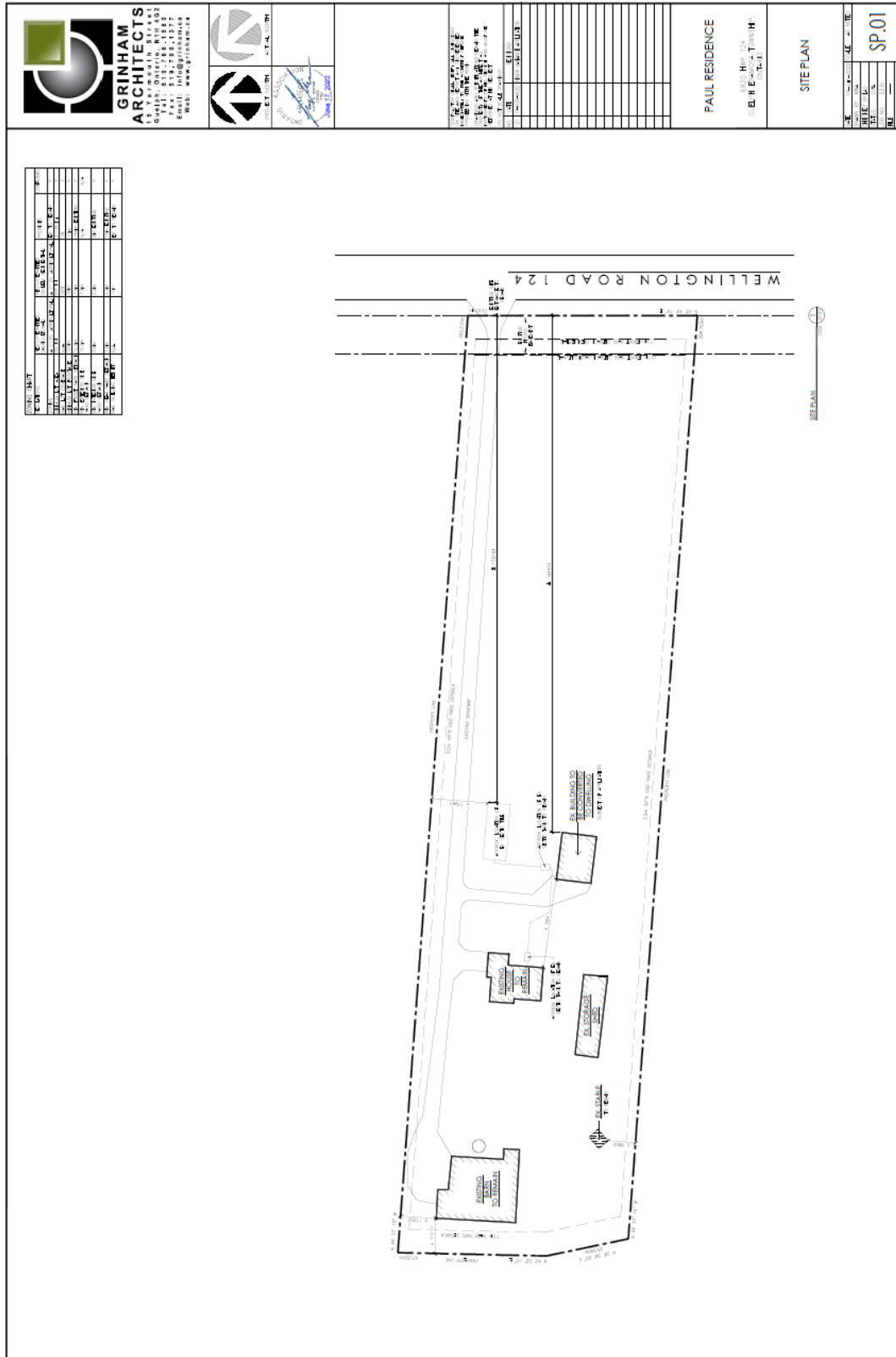
Joanna Salsberg, B.A., M.PL.
Planner

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

SCHEDULE 1: Existing Buildings Aerial Image



Schedule 2: Site Plan Submitted by Applicant



SCHEDULE 3: Floor Plan and Building Elevations

GRINHAM ARCHITECTS
 65 Taylorville Street
 Guelph, ON N1H 2R9
 Tel: 519-774-1554
 Email: info@grinham.ca
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PROFESSIONAL ENGINEER
 REG. NO. 10237
 ARCHITECT
 REG. NO. 10237

DATE: 2022-10-26
 DRAWN BY: J. B. [Signature]
 CHECKED BY: J. B. [Signature]

PAUL RESIDENCE
 6922 HWY 124
 GUELPH, ONTARIO, CANADA
 N1H 2R9

FLOOR PLAN & BUILDING ELEVATIONS

NO.	DESCRIPTION	DATE
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