



**PLANNING REPORT 23-07
for the TOWNSHIP OF GUELPH ERAMOSIA**

CofA A03-23 – 46 Bedford Road

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

MEETING DATE: February 22nd, 2023
TO: Chair and Members of the Committee of Adjustment
Township of Guelph/Eramosa
FROM: Joanna Salsberg, Planner
County of Wellington
SUBJECT: **MINOR VARIANCE APPLICATION A03-23 (Smith)**
46 Bedford Rd
Ward 2
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 A03-23 – 46 Bedford Rd, and

The relief being requested as part of Application A03-23 on the subject land be approved as follows:

1. Relief from Section 7.2.5 to permit minimum side yard setbacks of 2m for each side of a proposed dwelling, whereas minimum side yard setbacks of 3m are required.

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

1. That the new dwelling is connected to the existing municipal water service fronting the property including payment of applicable connection fees to the satisfaction of the Township;
2. That the existing well is decommissioned by a licensed well contractor and a copy of the decommission record is provided to the satisfaction of the Township;
3. That an entrance permit is obtained to reflect the changes (removal) to the existing entrance and to ensure the proposed entrance meets current requirements and zoning to the satisfaction of the Township;
4. That the requirements of Public Works are reflected on the Grading & Servicing plan for the new dwelling along with sufficient grading information to demonstrate no impacts to existing properties to the satisfaction of the Township.

Background

The purpose of this application is to facilitate the demolition of an existing dwelling and its replacement with a new proposed dwelling within the Hamlet of Hamilton Drive. The applicant is proposing the new

dwelling be located 2 m from each interior side yard lot line (left/right), whereas the Zoning By-law requires a minimum 3 m setback for each side.

Within the submitted application, the applicant further proposes to recognize the existing lot area and frontage deficiencies on the parcel. However, it is noted that Section 4.1.4 *Lots Having Less Lot Area and/or Lot Frontage* already recognizes existing lot areas and frontages subject to servicing being accommodated. It is noted that Township Public Works has proposed a condition for the new dwelling to connect to municipal water and that the Building Department has indicated septic servicing will be reviewed at the time of Building Permit submission. Further, the lot has existed for a substantial amount of time. The applicant has provided a PIN Report for the parcel that shows a PIN creation date of 1998 and a Deed of Sale has been provided for the parcel from 1972. The Township has confirmed that a building permit was issued for an addition to the existing dwelling in 1975. The existing dwelling is further identified as being from the early 1900's based on Municipal Property Assessment Corporation (MPAC) information.

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 (Left)	7.2.5	3 m (9.8 ft)	2m (6.6 ft)	1m (3.3 ft)
Minimum Interior Side Yard (Right)	7.2.5	3 m (9.8 ft)	2m (6.6 ft)	1m (3.3 ft)

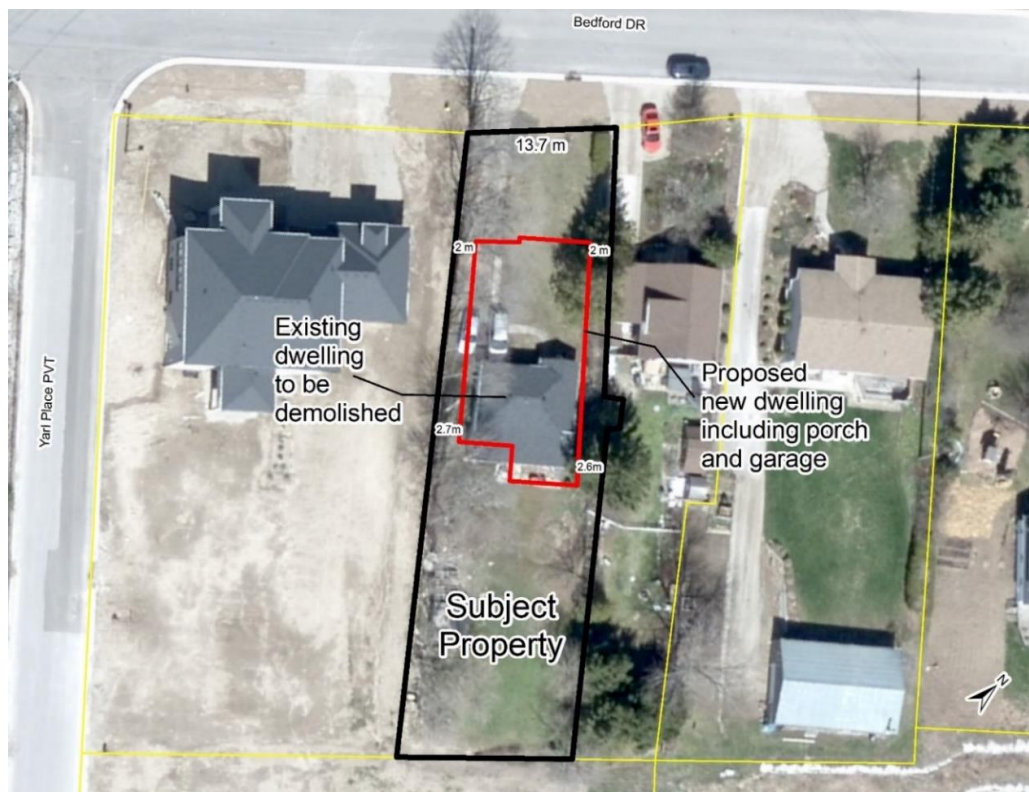


Figure 1 - Subject property

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 subject lands are located within the Hamlet of Hamilton Drive. • The applicant is requesting relief to permit the replacement of an existing dwelling with a new detached dwelling. The original dwelling was constructed in approximately the early 1900's according to MPAC information. The Township has confirmed a building permit was issued for an addition to the existing dwelling in 1975. • Relief is required in part due to the existing lot size and configuration. • The applicant is also proposing relief from the minimum lot area and frontage requirements of the Rural Residential (RR) Zone to recognize existing deficiencies on the property. Planning staff are satisfied that section 4.1.4 of the by-law already recognizes these deficiencies as the criteria are met to allow for the erection, alteration or use of buildings on existing lots that have a lot area and/or frontage less than the minimum required provided servicing can be accommodated. • The existing dwelling is currently deficient in terms of setback on the east interior side yard with a setback of 2.2 m, whereas 3 m is required. It is noted the new proposed setback for the new dwelling is closer at 2.0 m to the interior lot line. However, this setback is similar to the existing interior yard setback. • Although both interior side yards are proposed to be reduced, it is noted that 2.0 m (6.56 ft) will be maintained, which allows access to the rear of the property for maintenance of the subject lands. • Township Public Works have requested a Grading and Servicing Plan for the new dwelling as a condition. This will ensure that on-site grading is appropriate and any offsite impacts are considered.
<p>That the intent and purpose of the Zoning By-law is maintained</p>	<ul style="list-style-type: none"> • The subject property is zoned Rural Residential (RR). • Detached dwellings are a permitted use within the RR Zone. • The reduced setback will facilitate the replacement of the existing dwelling with a new dwelling that is closer to both of the interior side yard lot lines. • The proposed new dwelling meets all other setback requirements within the RR Zone. • The intent of an interior yard setback is to allow for unencumbered movement between the front, rear and side yards for property maintenance, ensure adequate grading and drainage can be achieved, to ensure adequate spacing between properties, and to create a sense of consistency in design with the surrounding neighbourhood.

	<ul style="list-style-type: none"> • The RR Zone requires a minimum lot area of 0.4 ha and a minimum lot frontage of 30 m, whereas the applicant is proposing to recognize the existing lot area of 0.1 ha and lot frontage of 13.7 m. Planning staff are satisfied that Section 4.1.4 of the By-law recognizes these existing deficiencies. • In regards to servicing, Public Works has proposed a condition requiring the new dwelling to be connected to existing municipal water service that is available fronting on to the property and further that the existing well is decommissioned. The Township Building Department has commented that servicing from the septic system will be reviewed at the time of Building Permit application. • The zoning by-law restricts the subject lands to a maximum of one driveway with one access point. The applicant has confirmed that it is their intent to remove the existing entrance and replace it with the proposed entrance as seen on the submitted sketch. A condition has been proposed requiring an entrance permit for these proposed changes including the removal and replacement of the driveway. • Section 5 requires 2 parking spaces for a detached dwelling. It appears that two parking spaces can be accommodated on the subject lands.
<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 Hamlet Area within the County of Wellington Official Plan and are situated within the Hamlet of Hamilton Drive. • The primary residential use within Hamlets is directed to be low density single detached units. • Section 11.2.2 of the Official Plan provides objectives regarding water and sewer services including encouraging development to use the highest level of service practical based on a priority of municipal services, and directs to make optimum use of existing infrastructure. • It is noted that Township staff have indicated that municipal water servicing is available at the site and a condition requiring the new dwelling to be connected to the existing municipal water service fronting the property has been proposed.

<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 and frontage, albeit smaller than permitted within the by-law, is similar in size to abutting lots. • The Township’s Zoning By-law recognizes and permits <i>existing</i> lots that are undersized and with small lot frontage subject to meeting the requirements of Section 4.1.4. These requirements are met. • 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 and right) of 2 m to provide access to the rear yard. • The applicant has indicated that some trees on the west interior lot line will be preserved offering some visual screening of the proposed dwelling on this side. The applicant indicated there may be some disruption to the roots of these trees as a result of the addition. The applicant further has identified that there is a row of cedars on the east property line that will likely be removed. • The proposed reduction in the interior side yard will still maintain a sufficient setback for access and are similar to the current interior yard setbacks. • The proposed interior side yard setbacks are located 2 m from the side yard at their closest point but do gradually increase in setback to the rear of the proposed building. • Public Works has proposed conditions including that a Grading & Servicing plan for the new dwelling to ensure that the proposal will have no impacts to existing properties, that the existing well is decommissioned, the building is connected to municipal water, and that an entrance permit is obtained to address the removal and replacement of the existing driveway. • The Township Building Department has noted that site servicing from the septic system will be reviewed at the time of Building Permit application.
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Agency Comments

- **Building Department:** Application and documents have been reviewed and no comments as they related to the Building Department. Lot grading to will be reviewed at the time of Building Permit application. It is a Township Policy to have a grading plan submitted by an engineer or surveyor with a \$5000 deposit when a new house is being proposed on lots less than 2 acres. This professional grading plan will be reviewed by The Township Engineer consultant at the time of a Building Permit Application and the deposit will only be returned when grading has been certified. Site Servicing from the septic system will be reviewed at the time of Building Permit Application

as well. The onus is on the Building Permit applicant to adhere to the requirements within PART 8 of the Ontario Building Code (OBC).

- **Planning Comment:** Township Public Works has requested the Grading and Servicing Plan for the new dwelling as a condition of the minor variance. The plan is to reflect the other comments/conditions received by public works. This will ensure that on-site grading is appropriate and any offsite impacts are considered.
- **GRCA:** No comments received at the time of report preparation.
- **Public Works:** Public Works has no objection to the relief requested subject to the following conditions:
 1. The new dwelling is connected to the existing municipal water service fronting the property along with payment of applicable connection fees.
 2. The existing well is decommissioned by a licensed well contractor and a copy of the decommission record provided to the Township.
 3. An entrance permit is obtained to reflect the changes (removal) to the existing entrance and to ensure the proposed entrance meets current requirements and zoning.
 4. The above requirements are reflected on a Grading & Servicing plan for the new dwelling along with sufficient grading information to demonstrate no impacts to existing properties.
- **Fire Department:** There are no concerns from the Guelph Fire Prevention Bureau (FPPA 1997 11-1)
- **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*.

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

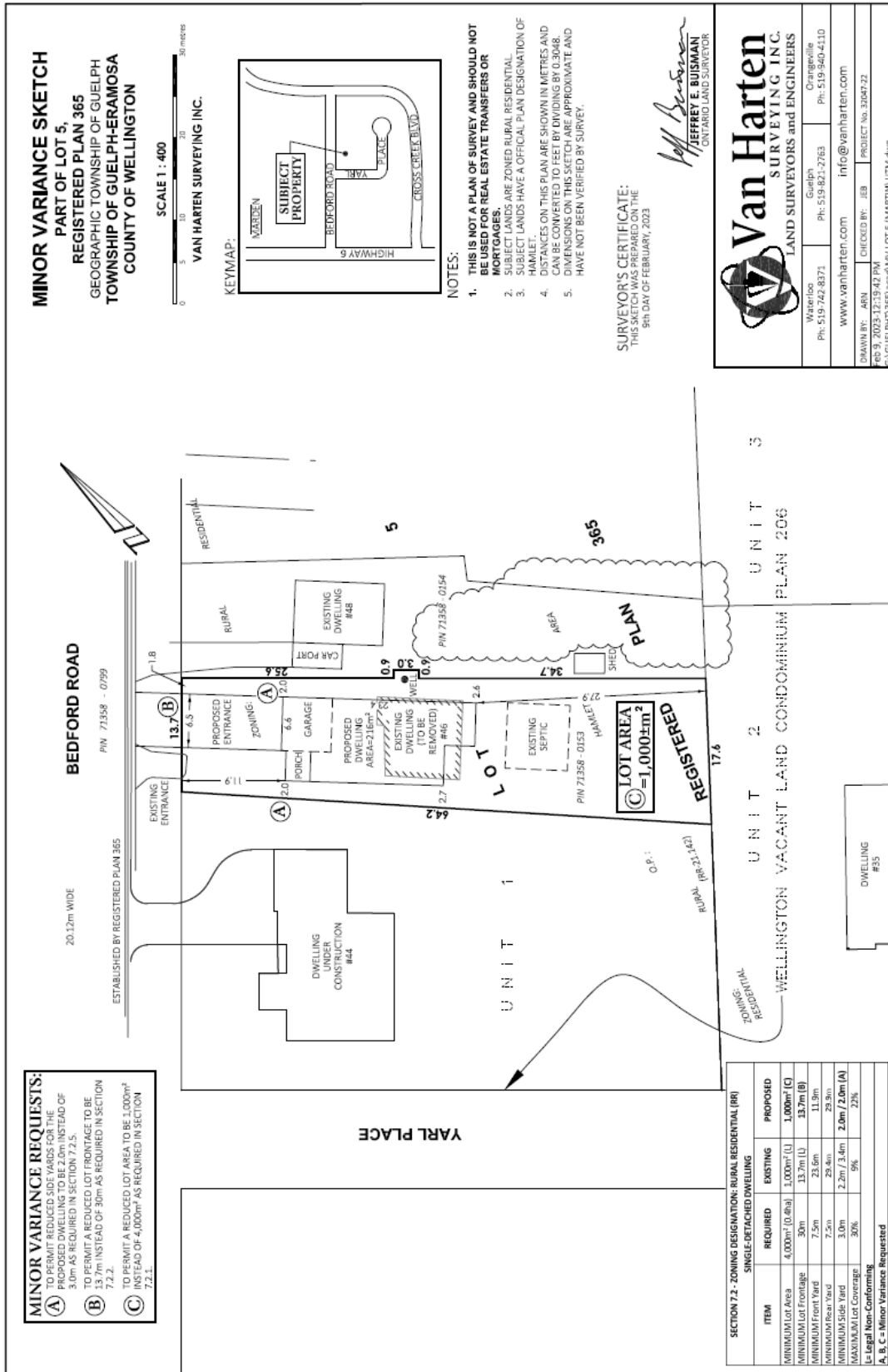


Joanna Salsberg, Planner, B.A, M.PL.

Reviewed by
Township of Guelph Eramosa CAO

Ian Roger, P.Eng.
CAO

SCHEDULE 1: Sketch provided by the applicant



MINOR VARIANCE REQUESTS:

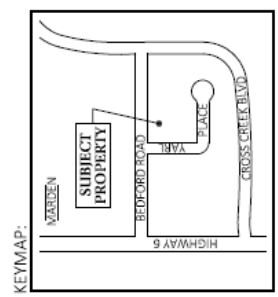
- (A) TO PERMIT REDUCED SIDE YARDS FOR THE PROPOSED DWELLING TO BE 2.0m INSTEAD OF 3.0m AS REQUIRED IN SECTION 7.2.5.
- (B) TO PERMIT A REDUCED LOT FRONTAGE TO BE 13.7m INSTEAD OF 30m AS REQUIRED IN SECTION 7.2.2.
- (C) TO PERMIT A REDUCED LOT AREA TO BE 1,000m² INSTEAD OF 4,000m² AS REQUIRED IN SECTION 7.2.1.

SECTION 7.2 - ZONING DESIGNATION: RURAL RESIDENTIAL (RR)

ITEM	SINGLE-DETACHED DWELLING	
	REQUIRED	PROPOSED
MINIMUM Lot Area	4,000m ² (0.6ha)	1,000m ² (L)
MINIMUM Lot Frontage	30m	13.7m (U)
MINIMUM Front Yard	7.5m	23.6m
MINIMUM Rear Yard	7.5m	11.9m
MINIMUM Side Yard	3.0m	29.4m
MAXIMUM Lot Coverage	30%	2.2m / 3.4m
Le-legal Non-Conforming		9%
A, B, C - Minor Variance Requested		22%

MINOR VARIANCE SKETCH
 PART OF LOT 5,
 REGISTERED PLAN 365
 GEOGRAPHIC TOWNSHIP OF GUELPH
 TOWNSHIP OF GUELPH-ERAMOSA
 COUNTY OF WELLINGTON

SCALE 1 : 400
 VAN HARTEN SURVEYING INC.



NOTES:

- THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR REAL ESTATE TRANSFERS OR MORTGAGES.
- SUBJECT LANDS ARE ZONED RURAL RESIDENTIAL.
- SUBJECT LANDS HAVE A OFFICAL PLAN DESIGNATION OF MORTGAGES.
- DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
- DIMENSIONS ON THIS SKETCH ARE APPROXIMATE AND HAVE NOT BEEN VERIFIED BY SURVEY.

SURVEYOR'S CERTIFICATE:
 THIS SKETCH WAS PREPARED ON THE
 9th DAY OF FEBRUARY, 2023

Jeff Buisman
JEFFREY E. BUISMAN
 ONTARIO LAND SURVEYOR

Van Harten
 SURVEYING INC.
 LAND SURVEYORS and ENGINEERS

Waretice Guelph Orangeville
 Ph: 519-742-8371 Ph: 519-821-2763 Ph: 519-940-4110
 www.vanharten.com info@vanharten.com

PREPARED BY: AEN CHECKED BY: EB PROJECT NO: 2023-02
 63 GUELPH (P1355) RD/10V LOT 5 (MARTIN) LUTM.dwg