



PLANNING REPORT
for the TOWNSHIP OF GUELPH/ERAMOSIA
Report # 23-03

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

MEETING DATE: February 6th, 2023
TO: The Mayor and Members of Council
 Township of Guelph Eramosa
FROM: Joanna Salsberg, Planner
 County of Wellington Planning and Development
SUBJECT: **RECOMMENDATION REPORT**
Zoning By-law Amendment (01-22) – Circle S Ranch Ltd.
To permit an existing guesthouse as an additional residential unit
5314 Third Line (Ward 3)
ATTACHMENTS:

1. Subject Lands Map
2. Concept Plan provided by applicant
3. Draft Amending Zoning By-law

RECOMMENDATION

THAT the Council of the Township of Guelph/Eramosa receive Report 23-03;

THAT the Council of the Township of Guelph/Eramosa approve Zoning By-law Amendment Application ZBA 01/22 to rezone from Agricultural (A) to Agricultural Site Specific (A.21.206) to recognize the existing guesthouse as an additional residential unit (detached); and

THAT Council of the Township of Guelph/Eramosa direct staff to issue the Notice of Passing of Zoning By-law Amendment Application ZBA 01/21 in accordance with Section 34 (18) of the Planning Act, R.S.O. 1990, c.P.13.

INTRODUCTION

The subject lands are known municipally as 5314 Third Line and are legally described as Concession 2, Part Lot 11 and Part Lot 12. Although the subject application is related to a consent application, this report refers to the subject lands as being the lands conditionally severed through consent application B47/21. The subject lands are approximately 2.6 ha (6.4 ac) in size with 24 m of frontage and an existing access onto Third Line. The subject lands contain a dwelling, guesthouse, pool, shed and silo.

The surrounding land uses consist of agricultural uses to the east, south and north, conservation uses to the west, as well as rural residential uses to the north-east. The subject lands and immediate surrounding uses can be seen in an aerial map within **Figure 1**.

This report is in addition to the Public Meeting Report (22/40) presented to Township Council on December 19th, 2022. This report is meant to provide additional information and includes planning staff's recommendation.

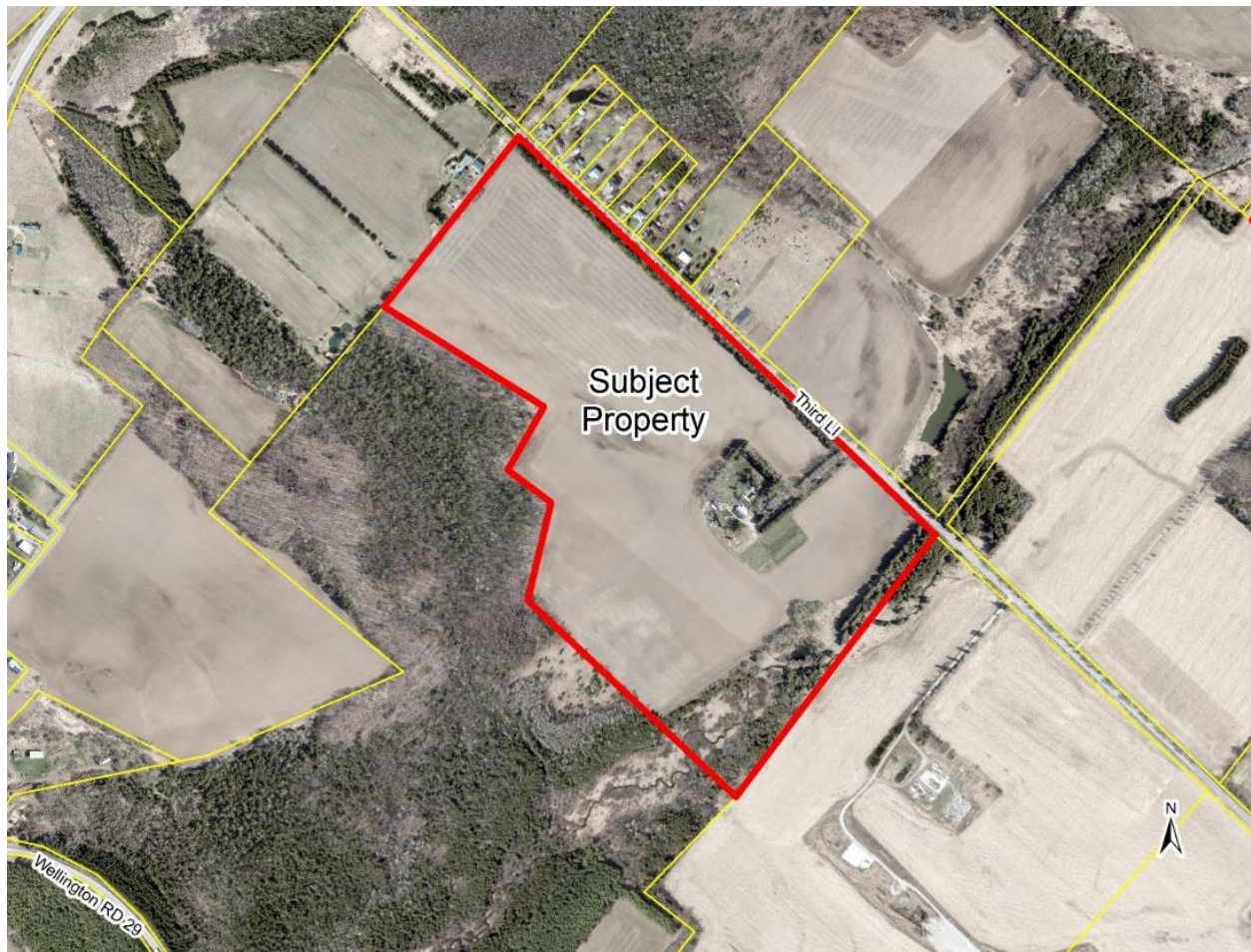


Figure 1 - Subject Property

PROPOSAL

The intent of the subject Zoning By-law Amendment is to amend the current Agricultural (A) Zone on the subject lands to a site specific Agricultural Zone in order to recognize the existing guesthouse as an additional residential unit (ARU). The subject lands are used for residential uses and includes a principal dwelling with a floor area of approximately 372 m², a guesthouse with a floor area of 324.93 m², a shed and an unused silo. The guesthouse is located 24.29 m from the principal dwelling.

The applicants have indicated that the guesthouse is used as an additional dwelling space for family and the intended use in the future is also for family accommodation. A new septic system is proposed to service the guesthouse and it is understood that there is an existing drilled well, located east of the silo, that is the water supply for both the main house and guesthouse.

Background Information:

The submitted Zoning By-law Amendment application is related to consent application B47-21, which received provisional approval from the County of Wellington Land Division Committee on September 9th, 2021. The severance application was for a surplus farm dwelling. As a condition of approval for this severance application, a condition for zoning compliance was required with respects to the second dwelling. The applicant has submitted a detailed review of history of the site and planning staff have also reviewed additional information. This history was previously outlined in the associated Public Meeting report.

SUPPORTING DOCUMENTS

In support of the subject zoning by-law amendment application, the following information and documents were submitted:

- Planning Justification Report prepared by JL Cox Planning Consultants Inc. (dated December, 2021)
- Original Guesthouse Alteration Drawing prepared by George Buchan Architect (dated 1975 and 1976)
- Existing Guesthouse Plans prepared by Green Propeller Design (no date)
- Guesthouse – Existing Conditions Plans prepared by Green Propeller Design (no date)
- Site Plan prepared by Green Propeller Design (dated April 7, 2022)
- Elevation Photos of the Existing Guesthouse (no date)
- Elevation Photos of the Principal Dwelling (no date)
- Servicing Report prepared by Van Harten Surveying Inc. (dated May 2, 2022)
- Addendum to Drinking Source Protection Form (April 20, 2022)

PROVINCIAL POLICY – PROVINCIAL POLICY STATEMENT (PPS 2020) & A Place to Growth (GROWTH PLAN 2020)

The Provincial Policy Statement (PPS) provides a policy framework on matters of principal interest and guides land use planning and development within the Province of Ontario. The Growth Plan provides a policy framework that builds onto the Provincial Policy Statement (2020) and provides more specific policy direction regarding growth and where it should occur.

The PPS and the Growth Plan policies in regards to the rural area and the prime agricultural area are applicable and were considered in the review of the subject lands. Section 1.1.4.1 of the PPS directs that healthy, integrated and viable communities are sustained by, ‘building upon rural character, and leveraging rural amenities and assets’ and ‘using rural infrastructure and public service facilities efficiently’. This policy further directs planning authorities to provide a range and mix of housing options and to permit and facilitate residential intensification which includes the development of additional residential units. The PPS identifies that Prime Agricultural Areas are to be protected for agricultural uses and specifies the uses permitted.

Similarly, one of the guiding principals of the Growth Plan is to support a range and mix of housing options which includes the development of additional residential units. The Growth further provides specific policies requiring municipalities to support achieving this principal including direction on intensification and density targets.

The intent of this proposal seeks to legalize the existing guesthouse which has existing servicing and has been established since approximately 1976. No new development on the site is proposed as part of this application. This proposal is generally in conformity with the Provincial Policy Statement (2020), the Provincial Growth Plan (2020).

COUNTY OF WELLINGTON OFFICIAL PLAN

The subject property is designated as Prime Agricultural, Core Greenlands and Greenlands within the County of Wellington Official Plan. Identified features include flood plain, wetlands, provincially significant wetlands, significant woodlands, and an Area of Natural and Scientific Interest (ANSI Earth Science). The subject lands are fully located within the Prime Agricultural designation and contains an ANSI. ANSIs are protected from development or site alterations that would have a negative impact on the natural feature or its ecological functions. It is noted that no new development is proposed as part of this application.

Section 6.4 of the Official Plan provides permitted uses within Prime Agricultural designation, including permissions for ARUs. Further, Section 4.4.6.2 of the Plan provides specific criteria for establishing ARUs, such as allowing them as a standalone structure or as part of an ancillary building, and requiring that they must be secondary to the primary dwelling. It is noted that the guesthouse on the subject lands is located in a portion of an ancillary building on the subject lands and that the building is located within the existing building cluster and is located outside of conservation authority hazard lands. The building is serviced by an existing well and septic; however, the septic system is proposed to be replaced and as such a permit is required from the Building Department. It is further noted that Minimum Distance Separation Formula requirements are met for the ARU. It is noted that the building far exceeds the permitted area of an ARU, however recognizing that the structure is an existing building that has been in use for some time, planning staff are satisfied the guesthouse would meet the general intent of the County of Wellington Official Plan, provided the use is limited to the existing size.

The Official Plan provides policies regarding non-conforming uses in Section 13.8 and identifies that 'non-conforming uses are legally established uses of land which do not conform to the Official Plan or Zoning By-law'. Through the historical review of the both the guesthouse building and the zoning by-law presented in the Public Meeting Report, it is noted that at the time the zoning by-law of the day provided for the transition of the guesthouse to a dwelling unit, the use of a dwelling for the accommodation of non-paying guests, staff or help within the Agricultural Zone was permitted. As the Township does not have records to indicate any permits issued for the original transition of the structure or subsequent modifications to the building this application seeks to legalize the existing guesthouse. The Official Plan acknowledges that it is the intent for non-conforming uses to conform to the policies of the Official Plan but that these uses vary in nature and extent and that non-conforming uses can impose serious hardship on a property owner. It is noted that with updates to the Zoning By-law regarding permissions and provisions for ARUs, the existing guesthouse can also be considered under these new provisions.

Section 13.8.2 further identifies that a legally established use that does not conform with the policies of an Official Plan may be recognized within a Zoning By-law. When considering a rezoning, the Official Plan identifies items to have regard for: (a) the need for the change or extension of the use; (b & c) and if the use is offensive and compatible; (d) the need for landscaping, buffering and setbacks; (e) traffic impacts and parking; (f) the adequacy of services; (g & h) and impacts on the environment and water (ground and surface).

It is noted that the guesthouse has been an existing use for some time on the property and no new development is requested as part of this proposal. The intent of this application is to legalize the existing guesthouse. It is noted the required parking spaces can be accommodated on the parcel and road access is shared between the principal unit and guest house through the existing driveway. The unit is visually screened from Third Line via existing foliage. The submitted Servicing Report notes that the guesthouse is serviced by well and septic, however the septic system will need to be replaced. Comments received from the Building Department require a building and septic permit to legalize the construction of the guest house and the new septic system. The proposal has been reviewed by Public Works and Wellington Source Water with no objections. With the above, planning staff are satisfied the criteria under section 13.8.2 are addressed.

TOWNSHIP ZONING BY LAW 40/2016

The subject property is zoned Agricultural (A) and Environmental Protection (EP) Zone. The subject lands are located fully within the A Zone. A Zoning By-law amendment is required to recognize the existing guesthouse and its size.

Within the Public Meeting report, it was noted by planning staff that relief was also required for the building height. However, since that time, the applicant has provided additional information and planning staff are satisfied that relief from height is not required. Planning staff have also reviewed the calculation of the unit and recognize that 27.1 m² of the unit is used as shared space; and that both the principal dwelling and the guesthouse contain internal stairs to be removed from the floor area calculation. This information has been reflected in the proposed request. As such, the proposed amendment seeks to:

- Rezone the subject lands to a site specific zone that permits an existing guesthouse that is 324.93 m² in size, 87.3% the size of the principal building, whereas the maximum permitted size is 130 m² with a percentage of 45% of the principal building.

Planning staff have reviewed all of the other applicable zoning provisions and no additional relief is required other than what is being requested by the applicant. It is noted that the current septic tank for the guesthouse is located partially underneath the 2004 addition. This will be addressed as part of the building permit process required for the guesthouse and septic system.

It is further noted that as this application is related to a surplus farm dwelling consent, an automatic zoning provision (21.193 a and b) is applicable. This automatic zoning addresses prohibiting a dwelling on the retained lands, and the deficiency in lot frontage for the severed lands

PUBLIC ENGAGEMENT

A public meeting was held for this application on December 19th, 2022 at which no members of the public spoke either for or against the application. No written comments were received from the public regarding this application. Township Council raised some items at the meeting including confirming whether a building permit would be required for the guesthouse, and whether there are any restrictions on who can live within an additional residential unit. Further information regarding these items is provided within the planning analysis below.

The subject zoning by-law amendment application has been reviewed by the Township Public Works Department; Township Consulting Engineer (R.J. Burnside); Township Legal Counsel; Township Building Department; Grand River Conservation; Wellington Source Water Protection; and the County of Wellington Roads Department and no objections have been received.

PLANNING ANALYSIS:

Existing Uses

The purpose of this application is to acknowledge and formally legalize the existing guesthouse that is located on the subject lands. The applicant has indicated the guesthouse building was originally a drive-in shed that was converted into a residential use in 1976 for farm help, and that an addition took place in 2004 to extend the building. The Township does not have records to indicate any permits issued for the original structure nor the subsequent addition. It is noted that Zoning By-law 25-1968, which was applicable in 1976, contained permissions for a dwelling or dwelling units specifically to accommodate non-paying guests, staff or help employed on the property and that these units were considered an accessory use. It is further noted that at the time of the addition in 2004, permissions for these units had been removed from the zoning by-law.

Based on the provisions that are currently in place in the Township Zoning By-law, the guesthouse has been considered in the context of the current additional residential unit (ARU) provisions. However, the structure far exceeds the permitted area of an ARU, which necessitates an amendment to the By-law. The

ATTACHMENT 1: Subject Lands Map



Attachment 2: Concept Plan provided by the applicant



By-law Number 07/2023

A By-law to amend Township of Guelph/Eramosa Zoning By-law 40/2016

Concession 2, Part Lots 11 & 12 former Township of Eramosa, now in the Township of Guelph/Eramosa (5314 Third Line)

WHEREAS the Council of the Corporation of the Township of Guelph/Eramosa deems it expedient to enact this By-law to amend Zoning By-law Number 40/2016;

AND WHEREAS Council is empowered to enact this By-law under the authority of Section 34 of the *Planning Act*, R.S.O. 1990, Chapter P. 13, as amended;

NOW THEREFORE the Council of the Corporation of the Township of Guelph/Eramosa hereby enacts as follows:

1. That Zoning By-law Number 40/2016 is hereby amended as follows:
 - a) That the portion of the lands identified on Schedule "A" of this By-law be rezoned from Agricultural (A) to Agricultural (A) with Special Provision 21.206 (A.21.206).
 - b) That Section 21 Special Provisions be amended by adding the following special provision:

21.206 Notwithstanding the General Provisions of this By-law, on the lands municipally described as Part Lots 11 & 12, Concession 2, in the former Township of Eramosa; now in the Township of Guelph/Eramosa, illustrated on Schedule 'A' to this By-law, a detached **dwelling, additional residential unit** that existed at the time of the passing of the by-law shall be permitted.
2. All other applicable provisions of By-law 40/2016 shall continue to apply to the lands affected by this amendment.
3. That this By-law shall become effective from the date of passing hereof.

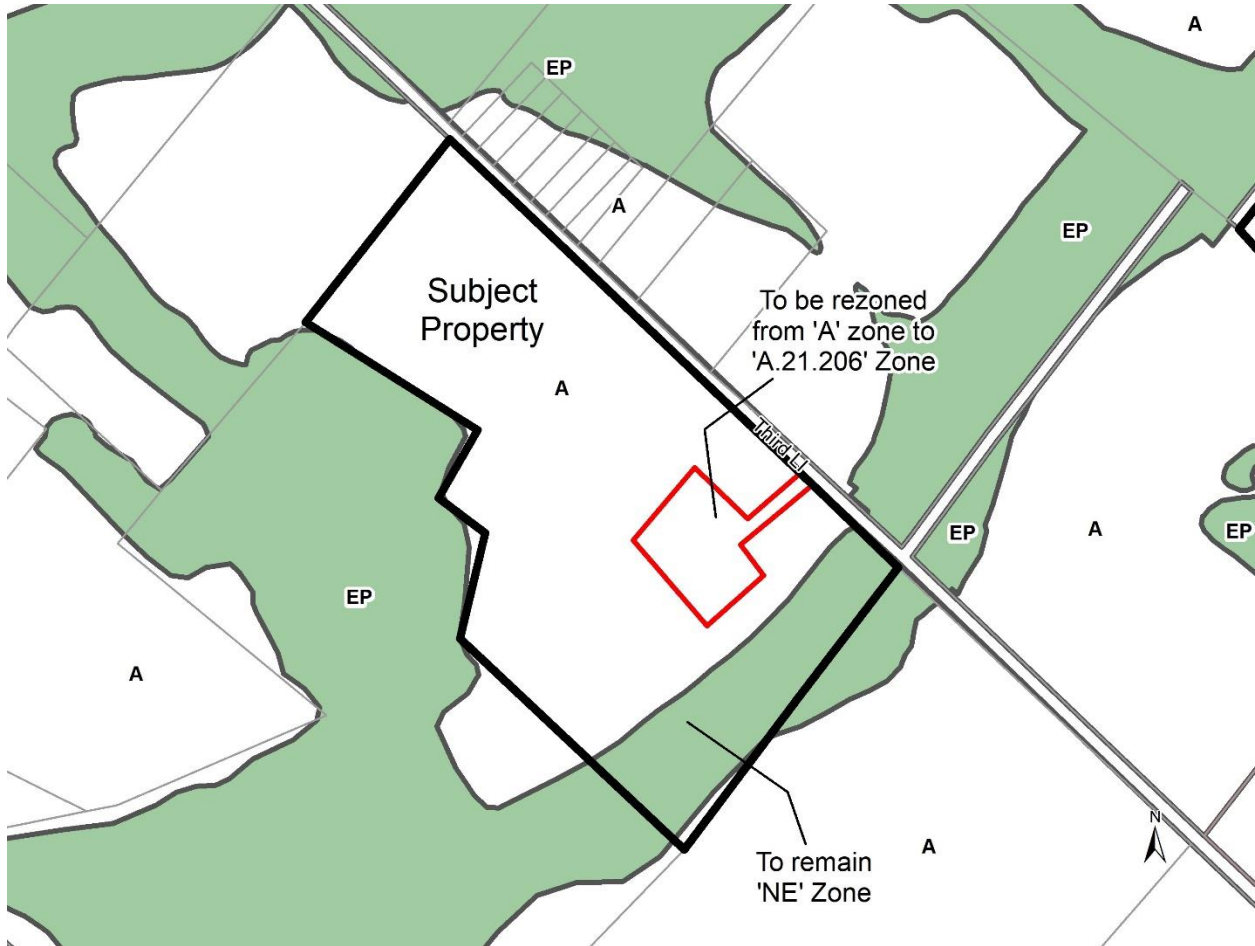
READ three times and finally passed

This 6th day of **February, 2023.**

Chris White, Mayor

Amanda Knight, Clerk

THE CORPORATION OF THE TOWNSHIP OF GUELPH/ERAMOSIA
BY-LAW NO. 07/2023
SCHEDULE "A"



This is Schedule "A" to By-law No.07/2023
Passed this 6th day of February, 2023.

MAYOR

CLERK

THE CORPORATION OF THE TOWNSHIP OF GUELPH/ERAMOSIA**EXPLANATION OF BY-LAW #07-23**

By-law Number 07-23 amends the Township of Guelph/Eramosa Zoning By-law 40/2016 by modifying the existing Agricultural (A) Zone on 5314 Third Line, Township of Guelph/Eramosa, to Agricultural Specific (A.21.206), as shown on Schedule "A" of this By-law.

The purpose of the proposed zoning by-law amendment is to recognize an existing guesthouse as an additional residential unit by establishing a site specific zoning permission for the use. The proposed by-law limits the guesthouse to its existing floor area (approximately 324.93 m²) and height (approximately 6.71 m) at the time of this by-law.