



PLANNING REPORT

Corporation of the Town of Erin

5684 Trafalgar Road

RR2 Hillsburgh ON N0B 1Z0

(519) 855-4407 Ext. 253 Fax: (519) 855-4281

EMAIL: planning@erin.ca

DATE: September 12, 2024

TO: Justin Grainger, Secretary Treasurer
Town of Erin Committee of Adjustment

FROM: Jessica Peake, Senior Planner, Town of Erin

SUBJECT: MINOR VARIANCE APPLICATION A10-24
(Dylan Hopman and Sheila Flaherty)
5954 Winston Churchill Blvd
Concession 11, Part Lot 27, PR61R-11758
Town of Erin

Application

The applicants are seeking relief from Zoning By-law 07-67, as amended, to permit an additional residential dwelling unit.

A Minor Variance application has been submitted concerning the proposal, requesting the following relief:

- Section 4.1.1.3: an additional residential dwelling unit with a maximum floor area of 189.0 m² (54 percent of the floor area of the primary residential unit), whereas the maximum floor area of an additional residential dwelling unit cannot exceed 50 percent of the floor area of the primary residential unit up to a maximum of 130 m².

The applicant requests approval of this minor variance application, in order to facilitate the construction a new primary single detached dwelling while maintaining the existing heritage dwelling as an additional residential dwelling unit.

A site plan and photo of the existing heritage dwelling (proposed additional residential dwelling unit) are included in this report as Attachments A and B.

Recommendation

It is Planning Staff's opinion that the variance is minor in nature, desirable for the appropriate development of the land, and meets the intent of the Town of Erin's Official Plan and Zoning By-law, and therefore recommend **Approval** of the proposed variance.

DISCUSSION

The subject property is designated Secondary Agricultural Areas and Core Greenlands and Greenlands on Schedule A1 – Land Use in the Town of Erin’s Official Plan and zoned Agricultural (A) and Rural Environmental Protection (EP2) in the Town of Erin’s Zoning By-law 07-67, as amended. The property is also located in the Greenbelt Plan.

The subject property is approximately 22.66 ha (5.44 ac) in area with approximately 602.64 m (1977.17 ft) of frontage along Winston Churchill Bouvard. The property currently contains an existing heritage dwelling and 2 accessory buildings (barn and buggy shed). The applicants propose to construct a new primary single detached dwelling and an accessory garage. The additional residential dwelling unit will be used for future family needs or farm help.

Our Discussion of this application relative to the four tests under the *Planning Act* is as follows:

Four Tests	Discussion
<p>That the general intent and purpose of the Official Plan is maintained.</p>	<p>The property is designated as Secondary Agricultural Areas, Core Greenlands and Greenlands on Schedule A1 – Land Use, in the Town of Erin’s Official Plan.</p> <ul style="list-style-type: none"> • Agriculture is the primary land use, however a range of residential uses are permitted within the Secondary Agricultural Areas designation. • The relief requested pertains to an existing heritage dwelling (proposed additional residential dwelling unit). • Additional residential dwelling units are permitted within the Secondary Agricultural Areas designation. • The proposed requested relief will not alter the existing agricultural and residential use of the property. • The additional residential dwelling unit will be secondary in nature to the new primary single detached dwelling to be constructed on the property. • No development is proposed within the Core Greenlands or the Greenlands designations. • The proposal for an additional residential dwelling unit is meeting Provincial, County and Town policies by adding to the existing stock of housing and providing alternative and affordable living options to accommodate people at all stages of life. • In addition, the proposed variance also conforms to the Greenbelt Plan, as additional residential dwelling units are permitted within existing structures.

	<p>Planning staff are of the opinion that the proposed variance is in keeping with the general intent and purpose of the Town of Erin's Official Plan.</p>
<p>That the general intent and purpose of the Zoning By-law is maintained.</p>	<p>The subject property is zoned Agricultural (A) and Rural Environmental Protection (EP2) on Schedule A, in The Town of Erin's Zoning By-law 07-67, as amended.</p> <ul style="list-style-type: none"> • The general intent and purpose of the Zoning By-law is to regulate land uses and regulations, as it relates to the placement of buildings and structures on land. • Additional residential dwelling units are permitted in the Agricultural (A) Zone, subject to the maximum height, size and location provisions within the By-law. <p>Lot Coverage</p> <ul style="list-style-type: none"> • A variance is requested to permit an additional residential dwelling unit with a maximum floor area of 189.0 m² (54 percent of the floor area of the primary residential unit), whereas the maximum floor area of an additional residential dwelling unit cannot exceed 50 percent of the floor area of the primary residential unit up to a maximum of 130 m². • The subject property is large enough to accommodate the size of the additional residential dwelling unit. • The additional residential dwelling unit will be secondary in nature to the new primary single detached dwelling to be constructed. • In addition, the proposed additional residential dwelling unit meets all other zoning requirements as Minor Variance application A07/23 approved the height and location. <p>Planning staff are of the opinion that the proposed variances maintain the general intent and purpose of the Town of Erin's Zoning By-law.</p>
<p>The variance is desirable for the appropriate development and use of the land, building, or structure.</p>	<ul style="list-style-type: none"> • The purpose of the proposed variance is to allow an existing heritage building (proposed additional residential dwelling unit). • The proposal is in keeping with the existing character of the area, as neighbouring properties generally consist of single detached dwellings, accessory buildings and agricultural uses. • The existing heritage building is maintained, and

	<p>the existing agricultural and residential use of the property remains unchanged.</p> <ul style="list-style-type: none"> • There are no plans or intent to sever the property, and a Minimum Distance Separation is not required for the proposal. • In addition, as previously stated, the proposal for an additional residential dwelling unit is meeting Provincial, County and Town policies by adding to the existing housing stock and providing alternative and affordable living options to accommodate people at all stages of life. <p>Planning staff are of the opinion that the variance is desirable and appropriate.</p>
<p>The variance is minor in nature.</p>	<ul style="list-style-type: none"> • The requested variance is minor in nature, and does not result in any changes to the agricultural and residential use and function of the property. The variance continues to maintain the site layout and function of the property. <p>Planning staff are of the opinion that the requested variance is minor in nature.</p>

PUBLIC, AGENCY, & TOWN COMMENTS

County of Wellington Planning

- Planning staff note that the proposed variance is to facilitate the construction of a new primary dwelling making the existing dwelling a proposed detached additional residential dwelling. It is further noted that the subject lands are located within the Greenbelt Plan and the Town will need to be satisfied the use is consistent with the Greenbelt Plan.
- The subject lands are designated Secondary Agricultural, Greenlands and Core Greenlands in the County Official Plan. Identifying features include provincially significant wetlands, environmentally sensitive area, Life Sciences area, and Credit Valley Conservation Area Sub watershed Environmental Priority Areas.
- Any comments from the Credit Valley Conservation Authority should be considered and staff notes it generally appears the existing dwelling is located outside of any features.
- Within the Secondary Agricultural designation, accessory residential units are permitted subject to Section 4.4.6. The County Official Plan provides the policy direction that these dwellings are to be subordinate in scale and function to the main residence. The Town will need to be satisfied that the proposal maintains the intent of the County Official Plan, including that the unit is in the main building cluster, the unit is secondary and subordinate and that Minimum Distance Separation, if applicable, is addressed.

- It is further noted that an Additional Residential Unit cannot be severed from the subject lands.

Town of Erin Infrastructure Services

- As of writing this report, no comments received.

Town of Erin Building Services

- As of writing this report, no comments received.

Town of Erin Fire Services

- As of writing this report, no comments received.

Ainley Group (Town of Erin's Engineering Peer Reviewer)

- No objection to the proposed additional residential dwelling unit.

Credit Valley Conservation Authority

- Although the subject property appears to be partially regulated based on CVC mapping, the proposed development is outside of CVC's regulated area. CVC review/approval are not required. As such, CVC staff will not be providing comments on the application. Please note that the applicant should contact CVC directly for a clearance prior to obtaining a building permit from the Town.

Wellington Source Water Protection

- The property is located in a vulnerable area, however the activity, 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*. Source Water may provide comments on any future applications subject to this property, given the vulnerable areas.

Public Comment

- One public comment was received which indicated no objection to the proposal.

In conclusion, Planning Staff is of the opinion that the requested variance satisfies the four tests of the *Planning Act*. We trust that these comments will be of assistance to the Committee in their consideration of this matter.

Kindly,



Jessica Peake, MCIP, RPP
Senior Planner

Attachment A – Site Plan

Attachment B – Photo of the Existing Heritage Building (Proposed Additional Residential Dwelling Unit)