

February 18, 2025

File No. 25017

Township of North Dumfries  
106 Earl Thompson Road, 3<sup>rd</sup> Floor  
Ayr, Ontario  
N0B 1E0

Attn: Brock Linklater  
Senior Planner

**Re: Zoning By-law Amendment Application – Planning Justification Brief  
Rose Street, Ayr, Township of North Dumfries**

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On behalf of our client Alexander Chmelar and SDIS Group Inc., GSP Group is pleased to submit this Planning Justification Brief in support of a Zoning By-law Amendment (File No. ZC-01/25) application for the lands legally described as PART OF LOT 1, REGISTERED PLAN 663, GEOGRAPHIC VILLAGE OF AYR, TOWNSHIP OF NORTH DUMFRIES, REGIONAL MUNICIPALITY OF WATERLOO (the “Subject Property”).

### Site Description & Surrounding Context

The Subject Property is located within the village of Ayr urban area in the Township of North Dumfries. It is on the west side of Rose Street and south of Piper Street. The Subject Property does not currently have an assigned municipal address .

The Subject Property is approximately 1,469.4 square metres in area, with 18.28 metres of frontage along Rose Street. The Subject Property is currently vacant and contains some tree coverage and backs directly onto the Nith River. The portion of the Subject Property fronting Rose Street has a relatively flat terrain and transitions into a significant slope towards the centre of the lot before leading into the Nith River at the rear of the property.

The Subject Property represents a vacant and underutilized parcel of land located in an established residential neighbourhood. The property’s immediate surrounding uses include single detached residential dwellings to the north and south, Victoria Park to the east and the Nith River to the west.

The Subject Property is designated Open Space and is within Special Policy Area 2.7.10 in the Township of North Dumfries Official Plan. The Subject Property currently has split zoning in the Township of North Dumfries Zoning By-law No. 689-83, as amended. The current zones applicable to the Subject Property are Z.1 – Agriculture, Z.4 – Urban Residential and Z.4(f) – Urban Residential (Floodplain). The requested Zoning By-law Amendment seeks to re-establish new split zoning for the property with the area including the slope and floodplain being rezoned as Zone 12 (Z.12) Open Space and the developable area of the lot being rezoned as Zone 4 (Z.4) Urban Residential. The

boundary for the split zoning is a result of the supporting engineering and environmental reports that assessed the areas of constraint on the site.

## **Background**

The Subject Property was originally severed from the northern parcel known as 30 Rose Street in 1980 through consent application No. B-92-80 for the purpose of establishing a single detached residential dwelling. A condition of the approved consent application was to conduct a detailed soil study and obtain site plan approval prior to receiving permits from the Grand River Conservation Authority (GRCA) and the Township. Based on available information, the proposal was not advanced to a site plan approval, and no construction of the proposed development occurred. Since the approval of the severance in 1980, the applicable policy framework has significantly changed. The current owners are seeking a Zoning By-law Amendment to rezone the site to permit the development of a single detached residential dwelling.

## **Overview of the Proposed Development**

The proposed development consists of a two-storey single detached dwelling with a building area of 232.47 square meters. An additional dwelling unit (ADU) is proposed in the walk-out basement. The dwelling is designed to accommodate the site's unique topography and location backing onto the Nith River while integrating with the surrounding neighborhood. All applicable zoning requirements in the R.4 – Urban Residential zone, including setbacks, height, and lot coverage are met.

The proposed dwelling features three entrances to enhance accessibility and functionality. The primary entrance, accessed via a paved driveway, leads to a covered front porch, serving as the main point of entry. A secondary entrance is located along the northern side of the property to access the ADU, connected by an asphalt pathway that wraps around the dwelling. The third entrance is situated at the rear of the dwelling, providing access to a three-storey covered deck that offers additional outdoor living space.

Vehicular access to the site will be provided via an asphalt or concrete driveway leading to an attached garage, ensuring sufficient parking. Several plantings and landscaping are proposed throughout the property, including Japanese maples, blue spruces, and burning bushes to enhance the property's visual appeal and overall landscaping.

The lot is well-suited to accommodate the proposed building footprint while maintaining compliance with all applicable zoning regulations. The development represents an efficient use of land within an existing residential area.

## Policy Context

### Planning Act

The *Planning Act*, R.S.O 1990, c. P.13, (the “*Planning Act*”), serves as the guiding piece of legislation that governs land use planning in Ontario. The *Planning Act* sets out regulatory procedures and processes associated with planning applications. The *Planning Act* further establishes matters of provincial interest, land use controls, delegated authorities, and ensuring appeal rights and public notice requirements.

Planning authorities carrying out their responsibility under the *Planning Act* shall have regard for matters of provincial interest. The matters of provincial interest applicable to the proposed development and requested planning applications are assessed below:

- (a) the protection of ecological systems, including natural areas, features and functions;
- (e) the supply, efficient use and conservation of energy and water;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (g) the orderly development of safe and healthy communities;
- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (l) the protection of the financial and economic well-being of the Province and its municipalities;
- (o) the protection of public health and safety;
- (p) the appropriate location of growth and development;

The proposed development protects natural features on the site through the implementation of mitigation measures as outlined in the Environmental Impact Study (“EIS”) prepared by Aster Environmental Services. The proposed development will support the efficient use and conservation of water as the site will be serviced by municipal water and sanitary services. The proposed development will optimize existing and available municipal servicing infrastructure, road network, and communication infrastructure. The proposed development constitutes infill development in an established residential neighbourhood, thereby supporting a safe and healthy environment.

The proposed development is directly adjacent to Victoria Park and several community services and facilities. The proposed development provides for a new single detached residential dwelling on a vacant and underutilized lot within an existing low density residential neighbourhood, therefore supporting the provision of housing.

The proposed development optimizes municipal investments into existing infrastructure thereby not resulting in the expansion of municipal infrastructure. The proposed development is surrounded by urban form of similar use, scale, and massing. The Subject Property contains a significant slope and backs onto the Nith River. The proposed dwelling will be carefully designed to consider the unique

terrain and lot configuration while maintaining the character of the surrounding area. The design of the proposed dwelling has been informed through the Slope Stability Assessment prepared by Chung & Vander Doelen Engineering and the EIS prepared by Aster Environmental Services. As such, the proposal is an appropriate location for growth and development and does not compromise public health and safety.

In summary, the proposed development has regard for matters under the Planning Act.

#### Provincial Planning Statement 2024

The Provincial Planning Statement (“PPS”) came into effect on October 20, 2024, and replaces and consolidates the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019. The PPS is issued under Section 3 of the *Planning Act* serves as the foundation for regulating growth and development in Ontario. The PPS further builds upon the housing policies contained in both pieces of legislation and equips municipalities to increase housing supply; make land available for development; ensure adequate infrastructure to support development; and balance housing with resources.

Chapter 2: Buildings Homes, Sustaining Strong and Competitive Communities promotes the achievement of complete communities and encourages growth and development within urban and rural settlement areas. Section 2.2 Housing promotes an appropriate range and mix of housing options to meet the current and future needs of residents and encourages all types of residential intensification and new housing that efficiently uses land, resources, infrastructure and public service facilities.

The proposed development constitutes residential infill within an established residential neighbourhood in the Ayr settlement area. The proposed development provides for a single detached residential dwelling that is consistent with the surrounding area in terms of built form, height, and massing. The proposed dwelling will operate on full municipal services, which have sufficient capacity to accommodate for the proposed development as demonstrated in the Site Grading and Servicing Plan prepared by MTE.

Chapter 3: Infrastructure and Facilities addresses planning for and providing sufficient infrastructure, public and open spaces to accommodate for growth and development. Policy 3.6.2 provides that municipal sewage and water services are the preferred from of servicing for settlement areas to support the protection of the environment and reduce potential risks to human health and safety. Policy 3.6.8 lists the following criteria for planning for stormwater management facilities:

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, retrofitted as appropriate, feasible and financially viable over their full life cycle;
- b) minimize, or, where possible, prevent or reduce increases in stormwater volumes and contaminant loads;

- c) minimize erosion and changes in water balance including through the use of green infrastructure;
- d) mitigate risks to human health, safety, property and the environment;
- e) maximize the extent and function of vegetative and pervious surfaces;
- f) promote best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development; and
- g) align with any comprehensive municipal plans for stormwater management that consider cumulative impacts of stormwater from development on a watershed scale.

The proposed development intends to connect to existing municipal water and sewage services which are suitable to accommodate the proposed residential dwelling. The proposed development intends to rely on municipal storm sewers for stormwater management. The proposed dwelling adheres to setback requirements, thereby ensuring adequate drainage on the site.

The policies contained in Chapter 3 also encourage healthy, active, and inclusive communities through the distribution of a full range of publicly accessible built and natural setting for recreation, including facilities, parkland, public spaces, open space areas, trails, and linkages (3.9.1.b). The proposed development is immediately adjacent to Victoria Park and its outdoor athletic fields and backs onto the Nith River, thereby supporting a healthy and active community.

In summary, the proposed development is consistent with the applicable policies of the PPS.

#### Region of Waterloo Official Plan

The Region of Waterloo Official Plan ("ROP") serves as the Region's guiding document for growth and development. The Region of Waterloo recently undertook a Municipal Comprehensive Review (MCR) in conformity with provincial legislation to update their Regional Official Plan to guide growth to the year 2051. The update to the ROP is known as Regional Official Plan Amendment No. 6 (ROPA 6). The ROP identifies the Subject Property as the following:

- "Township Urban Area" on Map 1 Regional Structure
- "Delineated Built-up Area" on Map 2 Urban System
- "Core Environmental Features" on Map 4 Greenlands Network

Section 2.E of ROPA 6 outlines policies for Township Urban Areas which encompass fully serviced settlement areas throughout the Townships of North Dumfries, Wellesley, Wilmot, and Woolwich. The Subject Lands are located within the Ayr Settlement Area in the Township of North Dumfries, as reflected in the Township Urban Area designation. The intent of the Township Urban Area designation is to direct population growth and employment to the Township Urban Area and to promote gentle density and other context sensitive intensification to facilitate the transition of existing communities into vibrant 15-minute neighbourhoods.

The proposed development supports the Region's goal for encouraging context sensitive intensification as the proposed dwelling is located within the City's built-up area and represents small lot infill development. Given that the proposed dwelling is located within an existing residential neighbourhood, the proposed development supports the achievement of 15-minute neighbourhoods that are in close proximity to community services and amenities.

Section 3.A emphasizes the provision of housing by encouraging a range and mix of housing types including additional residential units, affordable, and missing middle housing, to serve all sizes, incomes, and ages of households. The policies also encourage achieving net-zero operational carbon performance for all newly built housing, including affordable housing, and implement measures to minimize embodied carbon and building energy needs, support the energy transition off fossil fuels, and increase the overall energy resiliency in the community (3.A).

Policy 3.A.2 further provides that area municipalities, will plan to provide a diverse range and mix of housing options with an overall target of a minimum of 30 percent of new ownership and rental housing being affordable to low- and moderate-income households. The range and mix of housing options provided will vary in terms in terms of form, tenure, density, and number of bedrooms to accommodate the needs of all sizes, incomes, and ages of households. Policy 3.A.17 further states that development applications proposing residential uses will be required to indicate if and how they are contributing to meeting the affordable housing target set out in Policy 3.A.2, and include an assessment of mix and range of types, bedroom mix, unit sizes, tenures, and accessibility requirements.

The proposed development consists of a single detached residential dwelling, situated between two existing detached residential dwellings. The unique lot layout and terrain constraints limit opportunities for alternative housing forms, including additional residential units. However, the proposed dwelling contributes to the Region of Waterloo's broader housing objectives by making efficient use of an existing lot within a designated settlement area.

With respect to energy conservation and resilience, the dwelling will be serviced by existing municipal water and wastewater infrastructure, optimizing the use of available municipal services without requiring additional extensions or upgrades. Additionally, the proposed dwelling will be constructed in accordance with current building standards, incorporating energy-efficient design elements where feasible to align with the Region's sustainability goals.

While the proposed dwelling does not contribute to the Region's affordable housing targets, it provides a market rate housing option along with an ADU that supports residential growth within an established residential neighbourhood. The development is consistent with the Region of Waterloo Official Plan's policies supporting compact, well-designed residential growth within the Urban Area.

By adding a new residential unit and ADU within an established neighborhood, the proposal supports the efficient use of land and infrastructure, contributing to a balanced and sustainable residential community.

Chapter 7 of the ROP includes specific policies for maintaining, enhancing and restoring the Greenlands Network within the Region and guiding development and site alternation near environmental features. The EIS submitted with this proposal demonstrates that the proposed development will not occur within Core Environmental Features, specifically noting that the narrow configuration of the wooded strip at the rear of the property is not structurally representative of significant woodland.

Ultimately, the proposed development aligns with the Region of Waterloo's Official Plan's objectives of accommodating growth within the built-up area while respecting the existing neighborhood character and integrating with surrounding land uses.

#### Township of North Dumfries Official Plan

The Township of North Dumfries Official Plan ("OP"), consolidated November 2018, serves as the Township's policy framework for guiding growth while maintaining and enhancing the Township's urban environments and rural character. The Subject Property is identified as being located within the Ayr Urban Area Boundary and Built-up Area on Map 2 Planned Township Structure. The Subject Property is further designated as Open Space and Special Policy Area 2.7.10 on Map 2.1 Ayr Urban Area Land Use Designations. Portions of the site are further identified as Significant Valley and Core Environmental Feature on Map 5A Greenlands Network. See Appendix 1 of Environmental Impact Study for land use designation schedules.

The Subject Property is located within the Ayr Urban Area, as such the following policies are applicable to development applications to ensure that the Ayr Urban Area is planned and developed to:

- a) support the Planned Township Structure described in this Plan;
- b) contribute to the creation of complete communities that take into account the availability and location of existing and planned community infrastructure and human services with efficient and effective development patterns, densities and an appropriate mix of land uses that optimize the use of land, resources and public investment in infrastructure and public service facilities while supporting walkability, cycling and the use of transit;
- c) protect the natural environment, and surface water and groundwater resources;
- d) conserve cultural heritage resources and support the adaptive reuse of historic buildings;
- e) respect the scale, physical character and context of established neighbourhoods in areas where reurbanization is planned to occur;
- f) facilitate residents' access to locally grown and other healthy foods in neighborhoods; and
- g) promote building designs and orientations that incorporate energy conservation features and the use of alternative and/or renewable energy systems.



The proposed dwelling represents infill development within an established residential area while optimizing available land, infrastructure, and public service facilities. The proposed development protects identified natural features on site through the implementation of recommended mitigation measures as outlined in the EIS.. The proposed design, massing, and built form of the dwelling carefully considers the site unique topography and the prevailing character of the surrounding area. The proposed dwelling is located in an existing residential neighbourhood, thereby optimizing access to existing public service facilities. Additionally, the proposed dwelling will be constructed in accordance with current building standards, incorporating energy-efficient design elements where feasible.

Special Policy 2.7.10 provides that the Subject Property is located below the regulatory flood plain as identified by the GRCA. Prior to the establishment of a Two-Zone Flood Plain policy framework for the Ayr Township Urban Area, new development will not be permitted on these lands, however, additions to the existing structures may be permitted by amendment to the Township Zoning By-law and are subject to the approval of the Grand River Conservation Authority.

The boundaries of the Special Policy Area, which includes lands below the regulatory floodplain, are not always precisely defined. However, through consultations with the GRCA and the completion of technical studies, the floodplain limits were more accurately delineated. These studies (Geotechnical Report, Slope Stability Assessment, Stormwater Management brief; Environmental Impact Study, all of which are summarized later in this letter) all confirmed that the proposed dwelling could be situated outside of both the slope hazard and floodplain areas, and is in compliance with all boundaries and regulations from the GRCA. As such, an amendment to the OP's Special Policy Area designation is not required to facilitate this proposal.

Chapter 6 of the OP includes policies for the Greenlands Network, including Significant Valleys and Core Environmental Features. The policies contained in this section mirror those contained in the ROP. An EIS has been prepared in accordance with regional and local policies and recommends specific mitigation measures to reduce potential impacts onto valleys, woodlands, and other identified environmental features.

In summary, the proposed development consists of compatible residential infill within the Ayr Urban Area. The proposal optimizes existing infrastructure while protecting natural features. Technical studies confirm that the proposed development is outside of the floodplain and do not necessitate an Official Plan Amendment. To conclude, the proposed development conforms to the applicable policies in the Official Plan.

#### Township of North Dumfries Zoning By-Law

The Township of North Dumfries Zoning By-law 689-83, as amended, consolidated November 2018, implements the direction of the Official Plan and regulates land use and built form within the



Township. The Subject Property has the following split zoning: Zone 1 Agriculture (“Z.1”), Zone 4 Urban Residential (“Z.4”), and Zone 4 Urban Residential (Floodplain) (“Z.4(f)”), with the majority designated as floodplain (as denoted by the “f” zoning symbol). See Appendix 1 of Environmental Impact Study for zoning schedule. A Zoning By-law Amendment is being requested to establish new split zoning for the property, consisting of Zone 4 (Z.4) Urban Residential (includes the proposed dwelling and area outside of the slope extent) and Zone 12 (Z.12) Open Space (includes the slope hazard). The boundary for the split zoning has been determined through the supporting engineering and environmental reports that assessed the areas of constraint on the site, including the natural features and slope hazard. The proposed zoning for the property is illustrated in Appendix A of this report.

The Zone 4 Urban Residential permits residential buildings with one unit which may include: a private home day care, a home occupation or office-based headquarters, and a bed and breakfast establishment. Other permitted uses include a secondary dwelling unit, a coach house, a group home, and accessory uses. Zone 12 Open Space permits a public park, public playground, public conservation area, public recreation area, arboretum, wildlife sanctuary, farming, and accessory uses. The zoning compliance table below showcases that no site-specific zoning is required to facilitate the proposed development.

| <b>Table 1: Zoning Compliance (R.4 Zone)</b> |  |   |                                |          |
|--|--|---|--------------------------------|----------|
| Section                                      | Regulation                             | Required per Z.4 Urban Residential Zone | Proposed                       | Complies |
| 8.3.1  | Lot Area (Min.)                        | 700 m <sup>2</sup>                      | Approx. 1,469.4 m <sup>2</sup> | ✓        |
| 8.3.2  | Lot Width (interior lot) (Min.)        | 18 m                                    | 18.29 m                        | ✓        |
| 8.3.3 b)                                     | Side Yard (more than 1 storey) (Min.)  | 2.4 m                                   | 2.4 m                          | ✓        |
| 8.3.4  | Rear Yard (Min.)                       | 7.5 m                                   | 25.94 m                        | ✓        |
| 8.3.5  | Building Height (main building) (Max.) | 12 m                                    | 2 storeys                      | ✓        |
| 8.3.6 c)                                     | Floor Areas (2 or more stories) (Min.) | 100 m <sup>2</sup>                      | 232.47 m <sup>2</sup>          | ✓        |

Based on the table above, the proposed residential dwelling meets all other zoning requirements, indicating that the lot is suitable to comfortably accommodate an adequately sized building envelope. As such, no site-specific provisions are being requested with this application. In summary, the requested Zoning By-law Amendment permits the proposed development in the R.4 zone without the need for any site-specific regulations. The proposed Zoning By-law Amendment implements the direction of provincial policies as well as the Official Plan.

## **Supporting Studies and Technical Reports**

### Scoped Environmental Impact Study

A Scoped Environmental Impact Study (EIS) was prepared by Aster Environmental Services Ltd. On December 20, 2024. The EIS identifies potential impacts to the Nith River and aquatic habitats, significant valleylands and associated sloping topography, significant woodlands, habitats of endangered and threatened species, and significant wildlife habitat. The EIS recommends specific mitigation strategies relating to the pre-construction and construction process, tree retention and plantings, tree and vegetation removal within specific timeframes, and installation of wildlife friendly exterior lighting fixtures and wildlife-window collision deterrents.

### Geotechnical Investigation Report

A Geotechnical Investigation Report was prepared by MTE Consultants Inc. on June 11, 2024. The An evaluation of soil conditions concluded that no long-term impacts onto groundwater are anticipated. Report outlines specific recommendations relating to site preparation, excavations and dewatering, site servicing, foundations, basements, and construction inspection and testing.

### Stormwater Management Technical Memorandum

A Stormwater Management Technical Memorandum was prepared by MTE Consultants Inc. on November 7, 2024, in support of the proposed dwelling. The Memorandum evaluated the proposed dwelling, existing drainage conditions, and the site's imperviousness and concluded that no water quality control measures are required for the site. The Memorandum highlighted that runoff generated from the development will drain towards the Nith River, similar to the current conditions. Ruoff generated from the proposed dwelling's rooftop is considered clean and as such, no major impacts onto the existing drainage conditions are anticipated.

### Slope Stability Assessment

A Slope Stability Assessment was prepared by Chung & Vander Doelen Engineering Ltd. on July 4, 2022, for the proposed development. The Assessment evaluated the existing stability of the upper slope and Nith Valley slope. It was determined that the upper slope stability is suitable to accommodate a residential dwelling and recommended that engineered fill be placed to raise the grade where necessary to support the foundation of the dwelling. With respect to the Nith Valley slope, three setbacks were recommended for development occurring adjacent to a natural slope: 2 metres for the Toe Erosion Allowance, 19.5 metres for Stable Slope Allowance, and 6 metres for the Erosion Access Allowance.

## Summary and Conclusion

Based on the review of the site's physical conditions, surrounding context, overview proposed development, and analysis of applicable policies, the proposed development and requested Zoning By-law Amendment represents a suitable location for the proposed residential dwelling. The proposed development optimizes a vacant and underutilized lot within an existing residential area and makes efficient use of existing municipal services and infrastructure. The proposed development supports the provision of housing that is compatible with the prevailing built form and character of the surrounding area.

The proposed development is consistent with provincial planning policies including the Planning Act and the Provincial Planning Statement and conforms to the Township of North Dumfries Official Plan. The proposed development represents an appropriate use of land and constitutes good planning.

If you have any questions or require any additional information, please do not hesitate to contact to the undersigned.

Sincerely,  
**GSP Group Inc.**



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