

**THE TOWNSHIP OF NORTH HURON  
COMMITTEE OF ADJUSTMENT AGENDA**



**Date:** Monday, June 5, 2017  
**Time:** 7:00 p.m.  
**Location:** HELD IN THE TOWNSHIP COUNCIL CHAMBERS

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**Pages**

- 1. Call to Order**
- 2. Disclosure of Pecuniary Interest**
- 3. Accept or Amend Agenda**  
*THAT the Committee of Adjustment hereby accepts the agenda for the June 5, 2017 hearing as presented.*
- 4. Committee of Adjustment - Authority**  
The Council of the Corporation of the Township of North Huron enacted By-law No. 05-2017 authorizing the appointment of the full Council to form the Committee of Adjustment.  
Hence, it is by the authority of By-law No. 05-2017 and The Planning Act, R.S.O. 1990, as amended, that his Committee of Adjustment shall perform its responsibilities.
- 5. Appoint Secretary-Treasurer**  
The Council of the Corporation of the Township of North Huron hereby enacts By-law 05-2017 authorizing the appointment of the Clerk as Committee of Adjustment Secretary-Treasurer.
- 6. Statement of Precedent**  
“That any decision reached by this Committee tonight can not be used to set a precedent.”
- 7. New Business**  
File A03-2017  
Plan 410 Part Block B Plan 413; Part Lot 21, Wingham Ward, North Huron (78 Victoria Street West)  
Applicant/Owners: 1347706 Ontario Inc./John Frieburger

7.1	Purpose and Description	
	<p>The purpose of this application is to seek relief from Zoning By-law 82-2008 for the Township of North Huron. The subject property is designated Residential in the North Huron Official Plan and zoned R2- Residential Medium Density in the North Huron Zoning By-law.</p> <p>The applicant is proposing to construct a single detached residential dwelling on the currently vacant lot. The provisions set out in the North Huron Zoning By-law for the R2 Zone require an interior side yard setback for a single-detached to be a minimum of 3 metres from the interior yard line. The proposed Minor Variance seeks relief for 1 metre for the interior yard setback as the applicant requests to build the structure at an interior yard setback of 2 metres. The proposed Minor Variance also seeks relief from Section 3.21.5 of the North Huron Zoning By-law, which states that if a non-complying building is removed or destroyed, it may be reconstructed within 24 months from the date of destruction. The applicant seeks relief from the 24 month time limit and requests an extension to 30 months to reconstruct the removed non-complying building.</p>	
7.2	Comments of the Huron County Planner	5
	See attached report from Laura Young, Huron County Planner.	
7.3	Comments of the Applicant and/or Agent	
7.4	Comments of Others	
7.5	Committee of Adjustment Members' Questions and/or Comments	
7.6	Recommendation of the Huron County Planning & Development Department	
	Approval (with conditions) is recommended as outlined in the report from Laura Young, Huron County Planner.	

7.7

Recommendation to Council from the Committee of Adjustment  
  
 WITH the effect of public and agency comments on the decision of Council as per \*\*Choose number (1-8) and letter(s) (A or B) from the chart for received comments\*\*  
  
 Effect of Public and Agency Comments on Decision of Council to the Planning application (Pursuant to Sections 17, 22, 34, 35, 45, 51 and 53 of the Planning Act, RSO, 1990, as amended)

	A. Effect of Public Comments on Decision of Council	B. Effect of Agency Comments on Decision of Council (e.g. Planning, Public Works, Health Unit)
1. Council agrees with effects of input as contained in the planning report	Council concurs with the planning report regarding the effect of public and agency comments on the decision.	Council concurs with the planning report regarding the effect of public and agency comments on the decision.
2. No comments received	No public comments were received on this application so there was no effect on the decision.	No agency comments were received on this application so there was no effect on the decision.
3. Supportive comments received	Public comments were received in support of the application, the effect of which resulted in a decision to approve the application.	Agency comments were received in support of the application, the effect of which resulted in a decision to approve the application.
4. Concerns raised were addressed through conditions to approval or changes to mapping or text amendment	Public comments were received on the issue(s) of _____. The comments were address through (conditions to approval/changes to the mapping or text of the amendment).	Comments were received from agencies on the issue(s) of _____. The comments were address through (conditions to approval/changes to the mapping or text of the amendment).
5. Concerns raised did not influence the decision	Public comments were received on the issue(s) of _____. Comments were thoroughly considered but the effect did not influence the decision of Council to (approve/deny) the application.	Comments were received from agencies identifying the issue(s) of _____. Comments were thoroughly considered but the effect did not influence the decision of Council to (approve/deny) the application.
6. Concerns raised did influence the decision	Public comments were received on the issue(s) of _____, the effect of which influenced the decision of Council to (approve/deny) the application.	Comments were received from agencies identifying the issue(s) of _____. Comments were thoroughly considered but the effect did not influence the decision of Council to (approve/deny) the application.
7. Comments received in support and opposition to the application	Options from above 1A/3A/4A/5A/6A	Options from above 1B/3B/4B/5B/6B
8. Other	Additional wording deemed appropriate by Council	Additional wording deemed appropriate by Council

*THAT the Committee of Adjustment hereby recommends to North Huron Council that the Minor Variance A03/2017 as it applies to Plan 410 Part Block B Plan 413; Part Lot 21, Wingham Ward, North Huron (78 Victoria Street West) Applicant/Owners: 1347706 Ontario Inc./John Frieburger; be approved with the following conditions:*

- 1. The residence be located within the footprint contained on the sketch that accompanied the application;*
- 2. The residence be as shown in the elevation drawings that accompanied the application;*
- 3. The driveway is maintained at 1 metre away from the east property line; and*
- 4. The variance approval is valid for a period of 18 months from the date of the Committee's decision.*

## **8. Ruling of the Committee of Adjustment**

### **Minor Variance Procedure Following Public Meeting**

The Secretary-Treasurer sends within 10 days a certified copy of the decision indicating the last day of Appealing to the Ontario Municipal Board (OMB) to:

- (a) The Applicant.
- (b) The Minister of Municipal Affairs & Housing, if requested.
- (c) Each person who appeared in person or by counsel at the Hearing and who filed with the Secretary-Treasurer a written request for Notice of the Decision.

### **IF NO APPEAL LODGED:**

After the 20 day objection period has expired and no Appeal has been lodged, the decision of the Committee of Adjustment is final and binding.

The Secretary-Treasurer shall notify the applicant.

### **IF A NOTICE OF APPEAL IS LODGED:**

If within 20 days of the Committee of Adjustment making a decision, an Appeal is lodged with the Secretary-Treasurer outlining the reasons for such an Appeal and said Appeal is accompanied by the required fee of \$300.00, the Committee of Adjustment no longer retains jurisdiction over the application.

If a proper Appeal is lodged the Secretary-Treasurer is required to provide proper Notice to the Ontario Municipal Board (OMB).

## **9. Adjournment**

*THAT there being no further business before the Committee of Adjustment, the Public Hearing be hereby Adjourned at ... pm.*

# Minor Variance Application

*Committee of Adjustment*  
*June 5, 2017*



# Minor Variance A03/2017

*Owner/Applicants: 1347706 Ontario Ltd./ John  
Frieburger*

*Plan 410 Part Block B Plan 413; Part Lot 21  
78 Victoria Street West  
Wingham, North Huron Township*



Zoning: R2- Residential Medium Density

Designated: Residential

Proposing to construct a single-detached residence

R2 Required Interior Yard Setback: 3 metres

Proposed Interior Yard Setback: 2 metres

Minor Variance seeks relief for 1 metre

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Section 3.21.5 Time Limit for Reconstruction of a Non- Complying Building: 24 months

Proposed Time Limit for Reconstruction: 30 months





## Subject Property



2010 Aerial Photo



2015 Aerial Photo

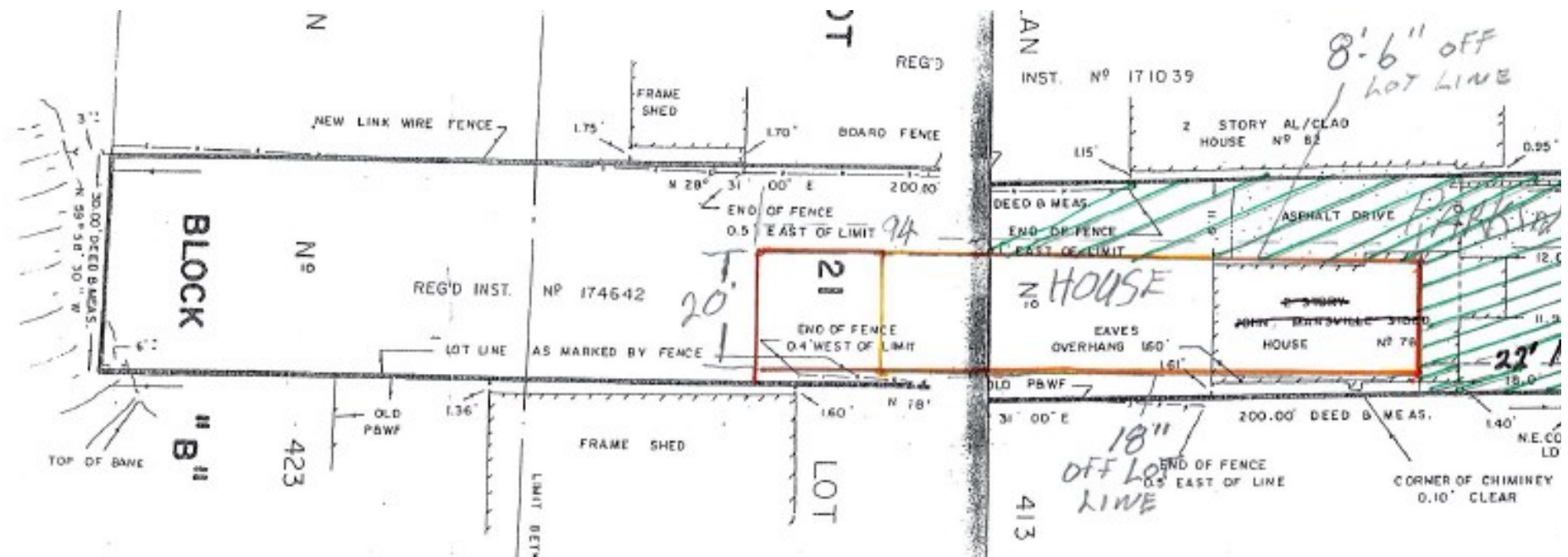




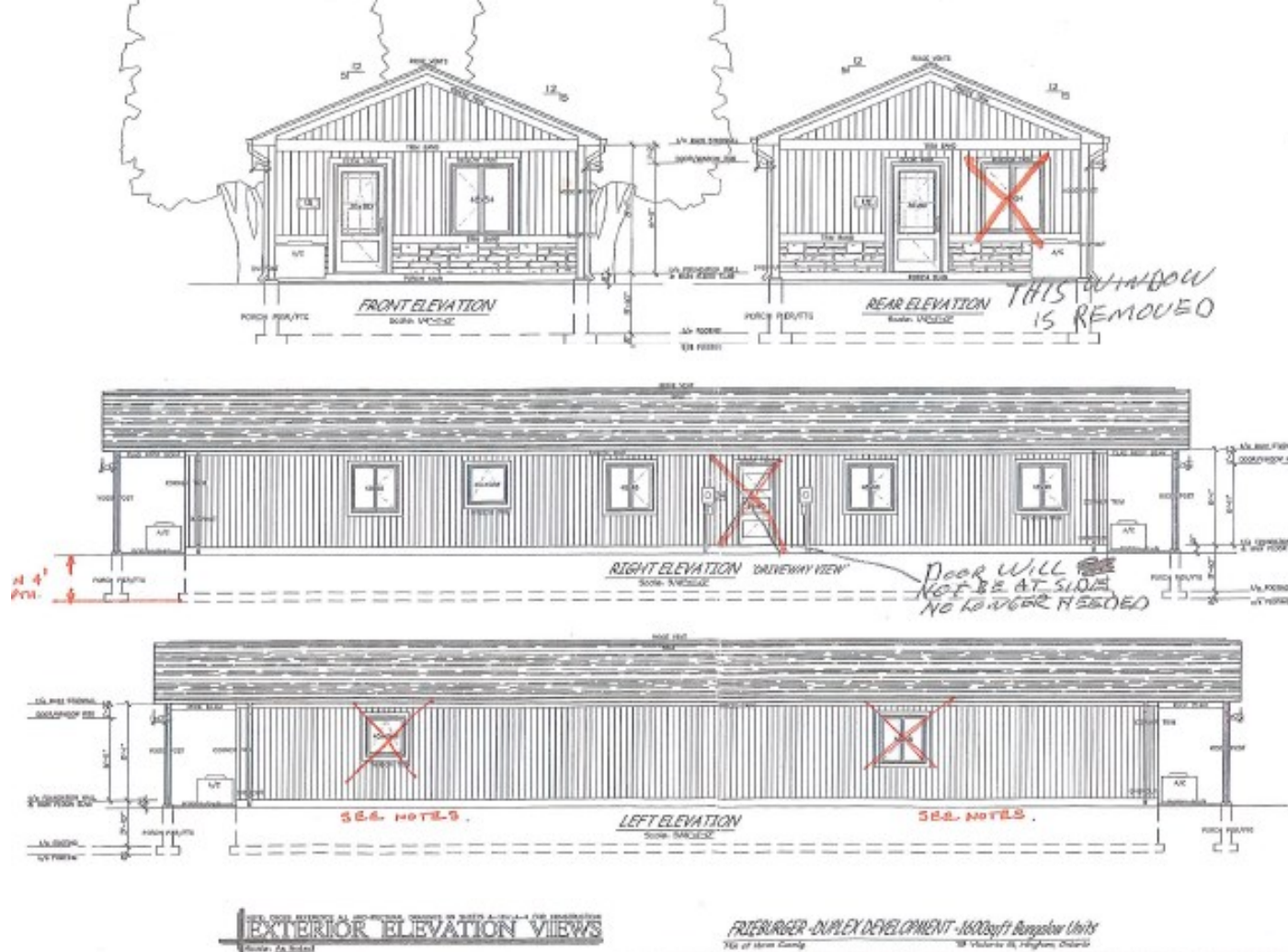
Google Streetview in  
2013



Site Visit in 2017



## Proposed Single-Detached Residence



## Proposed Elevation Drawings





**Subject Property Currently**

# Applicable Policies

Application satisfies the 4 tests of a Minor Variance:

- *Meets the intent of the North Huron Official Plan*
- *Meets the intent of the Township of North Huron Zoning By-law*
- *Is desirable for the appropriate development of the lands in question*
- *Is minor in nature*

This application is recommended for approval with the following conditions:

1. The residence be located within the footprint contained on the sketch that accompanied the application;
2. The residence be as shown in the elevation drawings that accompanied the application;
3. The driveway is maintained at 1 metre away from the east property line; and
4. The variance approval is valid for a period of 18 months from the date of the Committee's decision.



	<b>A. Effect of Public Comments on Decision of Council</b>	<b>B. Effect of Agency Comments on Decision of Council (e.g. Planning, Public Works, Health Unit)</b>
1. Council agrees with effects of input as contained in the planning report	Council concurs with the planning report regarding the effect of public and agency comments on the decision.	
2. No comments received	No public comments were received on this application so there was no effect on the decision.	No agency comments were received on this application so there was no effect on the decision.
3. Supportive comments received	Public comments were received in support of the application, the effect of which resulted in a decision to approve the application.	Agency comments were received in support of the application, the effect of which resulted in a decision to approve the application.
4. Concerns raised were addressed through conditions to approval or changes to mapping or text amendment	Public comments were received on the issue(s) of _____. The comments were address through (conditions to approval/changes to the mapping or text of the amendment).	Comments were received from agencies on the issues of _____. The comments were addressed through (conditions to approval/changes to the mapping or text of the amendment).
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7. Comments received in support and opposition to the application	Options from above 1A/3A/4A/5A/6A	Options from above 1B/3B/4B/5B/6B
8. Other	Additional wording deemed	Additional wording deemed



## PLANNING & DEVELOPMENT

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### Minor Variance Report to North Huron Committee of Adjustment

**From:** Laura Young, Planner

**Date:** 30 May 2017

**RE: File A03/2017 Minor Variance Application Report**

**Plan 410 Part Block B Plan 413; Part Lot 21, Wingham Ward, North Huron (78 Victoria Street West)**

**Applicant/Owners:** 1347706 Ontario Ltd. / John Frieburger

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This report is submitted to Council for the public meeting on June 5<sup>th</sup>, 2017.

**Recommendation:** That the Minor Variance A03/2017 be:

- ✓ approved
- approved with conditions (included)**
- deferred
- denied

#### Purpose

The purpose of this application is to seek relief from Zoning By-law 82-2008 for the Township of North Huron. The subject property is designated Residential in the North Huron Official Plan and zoned R2- Residential Medium Density in the North Huron Zoning By-law.

The applicant is proposing to construct a single detached residential dwelling on the currently vacant lot. The provisions set out in the North Huron Zoning By-law for the R2 Zone require an interior side yard setback for a single-detached to be a minimum of 3 metres from the interior yard line. The proposed Minor Variance seeks relief for 1 metre for the interior yard setback as the applicant requests to build the structure at an interior yard setback of 2 metres. The proposed Minor Variance also seeks relief from Section 3.21.5 of the North Huron Zoning By-law, which states that if a non-complying building is removed or destroyed, it may be reconstructed within 24 months from the date of destruction. The applicant seeks relief from the 24 month time limit and requests an extension to 30 months to reconstruct the removed non-complying building.



**Figure 1.** 2015 aerial view of subject lands showing current vacant property



**Figure 2.** View of subject lands facing south



**Figure 3.** Sketch submitted with Minor Variance Application A03/2017 showing proposed single-detached residence



**Figure 4.** Exterior elevation drawing submitted with the application



**Figure 5.** View of subject lands facing south showing width of property



## Review

Each minor variance application must satisfy four tests set out under Section 45 of the Planning Act (1990), as amended. This minor variance application:

✓ *Meets the intent of the North Huron Official Plan*

The subject lands are designated Residential in the North Huron Official Plan. The proposed single-detached dwelling is a permitted use in the Residential designation and infill lots are encouraged in Primary Settlement Areas such as Wingham, as well as Official Plan policies permitting a mix of residential densities and small lot development (Sections 6.2 and 6.3.2).

✓ *Meets the intent of the Township of North Huron Zoning By-law*

Single-detached residential structures are a permitted use and structure in the Residential Medium Density (R2) Zone, and the intent of setbacks in the Zoning By-law are to allow for site maneuverability and access; reducing the side yard setback from 3 metres to 2 metres takes the existing deficient frontage into consideration and does not negatively reduce access to the rear of the property.

The requested extension of the time period to permit the reconstruction of a non-complying building does not impact or change the proposed structure and the extension of the 24 month period to 30 months does not further reduce the non-compliance of the structure that was originally planned to be constructed in the 24 month period.

✓ *Is desirable for the appropriate development of the lands in question*

The structure is proposed to be mostly in the same site a former single detached house was located, utilizing legal non-complying setbacks that were still in effect at the time of this application. The application is requesting an extension of the time period to permit the utilization of the non-complying setbacks and build in the same location as the former building. The proposed location of the structure is not significantly closer to the existing residences on both the east and west abutting properties and recognizes the narrow frontage of the property. It is an appropriate development for the neighbourhood as there are surrounding residential buildings zoned R2 to both the east and west of the subject property.

There is also no expected negative impact from the proposed residence on site access, as the development is proposed to use the existing driveway. The driveway is proposed to extend further to the east and a recommended condition of this application is that, to meet the 3.26 Parking Regulations of the Zoning By-law, the driveway and parking area must maintain a setback of 1 metre from the west property line.

✓ *Is minor in nature*

In this case the relief sought for the new residential structure is approximately 33% for the interior side yard setback and an increase in the non-complying time period of 6 months, which is 25% of the time stated in the North Huron Zoning By-law. The requested variances are considered minor in nature and are appropriate for the scale of the property and surrounding land uses, do not change the outcome of the proposed development if beyond the 24 month time period, and does not impede on the remainder of the subject lands from a compatibility perspective.

## Staff, Agency and Public Comments

This report has been prepared in advance of the public meeting. North Huron staff and commenting agencies were circulated with information on this application. No comments were received from the public circulated on this

application; comments may arise at the public meeting. Comments from the Maitland Valley Conservation Authority (MVCA) received identified the subject property as partially within regulated lands and adjacent to the floodplain and river valley. The proposed development is outside of the hazard lands and MVCA had no objections.

### **Conclusion**

The relief being sought would allow for development on an infill residential lot in a Primary Settlement Area, which is promoted in the North Huron Official Plan, and the application meets the intent of the North Huron Zoning By-law, is minor in nature, and is considered desirable. As the variance requested satisfies all four tests outlined in the Planning Act (1990), as amended, the proposed variance is recommended for approval with the following conditions:

#### **Recommended Conditions**

1. The residence be located within the footprint contained on the sketch that accompanied the application;
2. The residence be as shown in the elevation drawings that accompanied the application;
3. The driveway is maintained at 1 metre away from the east property line; and
4. The variance approval is valid for a period of 18 months from the date of the Committee's decision.

Please note this report is prepared without the benefit of input from the public as may be obtained through the hearing. The Committee should carefully consider any comments and/or concerns expressed at the hearing prior to making their decision on this application.

#### **Original Signed By**

Laura Young  
Planner