

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



**Date:** Monday, January 23, 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 of Amend Agenda**  
*THAT the Committee of Adjustment hereby accept the agenda for the January 23, 2017 hearing; as printed and circulated.*
- 4. Committee of Adjustment - Authority**  
The Council of the Corporation of the Township of North Huron enacted By-law No. 2-2013 authorizing the appointment of the full Council to form the Committee of Adjustment.  
Hence, it is by the authority of By-law No. 2-2013 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 the By-law 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 D13-02/2016 Minor Variance Application  
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

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 2 unit semi-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 semi-detached to be a minimum of 3 metres (9.8 feet) from the interior yard line and the minimum floor area to be 84 square metres (904 square feet) per residential unit for a one storey building. The proposed Minor Variance seeks relief for 1 metre (3.2 feet) for the interior yard setback as the applicant requests to build the semi-detached structure at an interior yard setback of 2 metres (6.56 feet). The proposed Minor Variance also seeks relief for 2.25 square metres (24 square feet) for one of the residential units total floor area and 20.83 square metres (224 square feet) for the second residential unit floor area, as the applicant is proposing the unit floor area will be 81.75 square metres (880 square feet) for one unit and 63.17 square metres (680 square feet) for the second unit.</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 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 D13-02/2016 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 Ltd. / John Frieburger; be approved.*

**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.*



## PLANNING & DEVELOPMENT

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

**From:** Laura Young, Planner

**Date:** 18 January 2017

**RE: File D13-02/2016 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 January 23<sup>rd</sup>, 2017.

**Recommendation:** That the Minor Variance D13-02/2016 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 2 unit semi-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 semi-detached to be a minimum of 3 metres (9.8 feet) from the interior yard line and the minimum floor area to be 84 square metres (904 square feet) per residential unit for a one storey building. The proposed Minor Variance seeks relief for 1 metre (3.2 feet) for the interior yard setback as the applicant requests to build the semi-detached structure at an interior yard setback of 2 metres (6.56 feet). The proposed Minor Variance also seeks relief for 2.25 square metres (24 square feet) for one of the residential units total floor area and 20.83 square metres (224 square feet) for the second residential unit floor area, as the applicant is proposing the unit floor area will be 81.75 square metres (880 square feet) for one unit and 63.17 square metres (680 square feet) for the second unit.

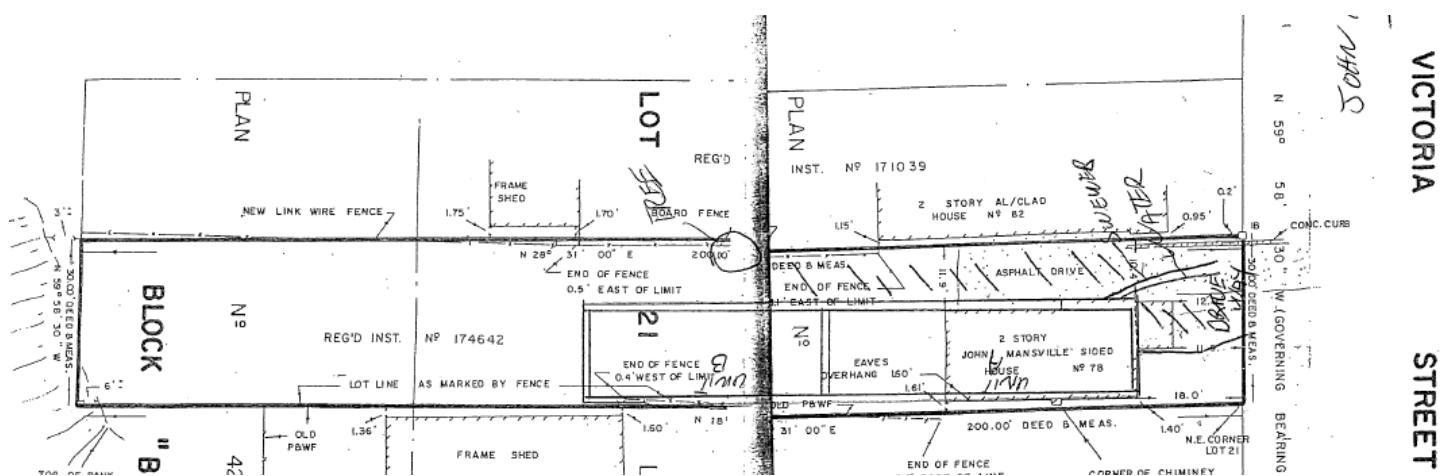
**Figure 1.** 2015 aerial view of subject lands showing current vacant property



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



**Figure 3.** Sketch submitted with Minor Variance Application D13-02-16 showing proposed 2 unit semi-detached residence





**Figure 4.** 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 semi-detached 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*

Semi-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 variance of reduced total floor areas for the proposed residential units does not exceed the set maximum lot coverage for a semi-detached structure in the North Huron Zoning By-law and takes the narrow shape and topographic features of this property into consideration as it is located adjacent to the the Maitland River floodplain.

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

The semi-detached structure is proposed to be mostly in the same site a former single detached house was located, utilizing legal non-complying setbacks. The proposed location of the semi-detached 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 semi-detached residence on site access, as the development is proposed to use the existing driveway.

✓ *Is minor in nature*

In this case the relief sought for the new residential structure is approximately 33% for the interior side yard setback, 2.7% for one floor area of the proposed residential units, and 24.8% for the second residential unit floor area, all of which can be considered within the normal range of a minor variance. The requested variance is appropriate for the scale of the property and surrounding land uses 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) 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 has no objections to the requested variance.

**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.

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



# Minor Variance Application

*Committee of Adjustment*  
*January 23, 2017*



# Minor Variance D13- 02/2016

*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 2 unit semi-detached residence

R2 Required Interior Yard Setback: 3 metres (9.8 feet)

Proposed Interior Yard Setback: 2 metres (6.56 feet)

Minor Variance seeks relief for 1 metre (3.2 feet)

R2 Minimum Floor Area Per Unit for a Semi-Detached: 84 sq metres (904 sq feet)

Proposed Floor Area for Unit A: 81.75 sq metres (880 sq ft)

Minor Variance seeks relief for: 2.25 sq metres (24 sq ft)

Proposed Floor Area for Unit B: 63.17 sq metres (680 sq ft)

Minor Variance seeks relief for: 20.83 sq metres (224 sq ft)

## Subject Property



2010 Aerial Photo



2015 Aerial Photo

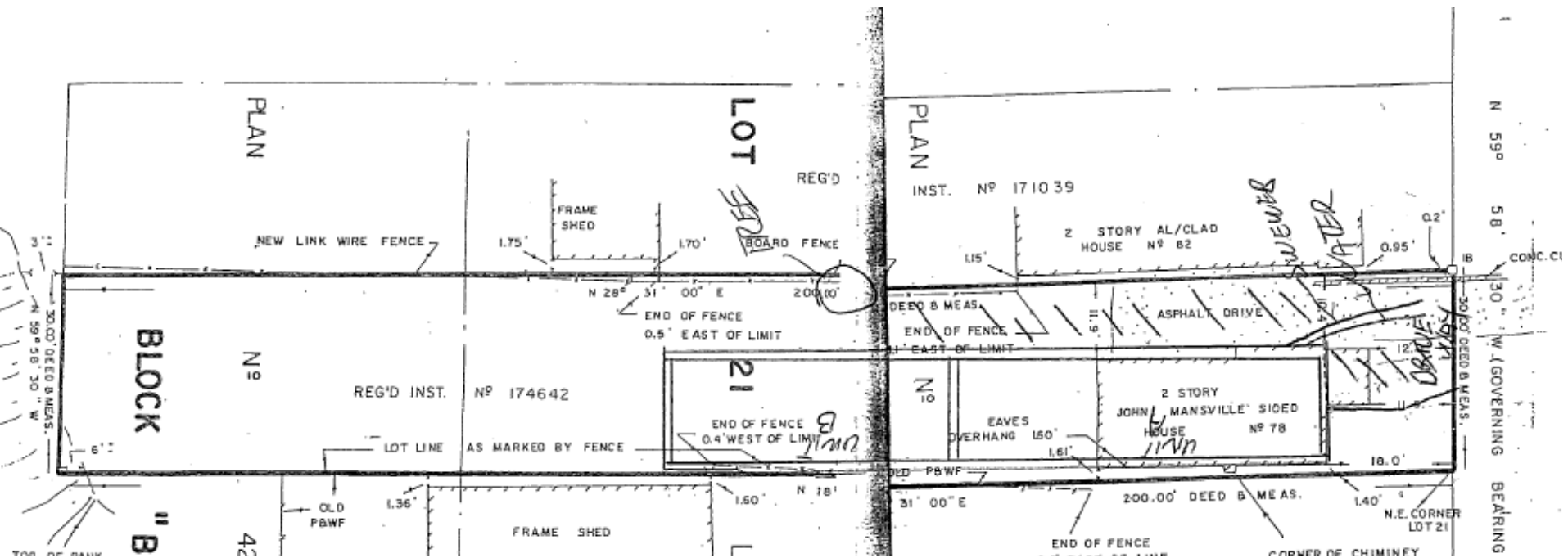




Google Streetview in 2013



Site Visit in 2017



## Proposed Semi-Detached Residence





**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

	<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>
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