



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

This report is submitted to Council for the public meeting on June 5th, 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