



## 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.

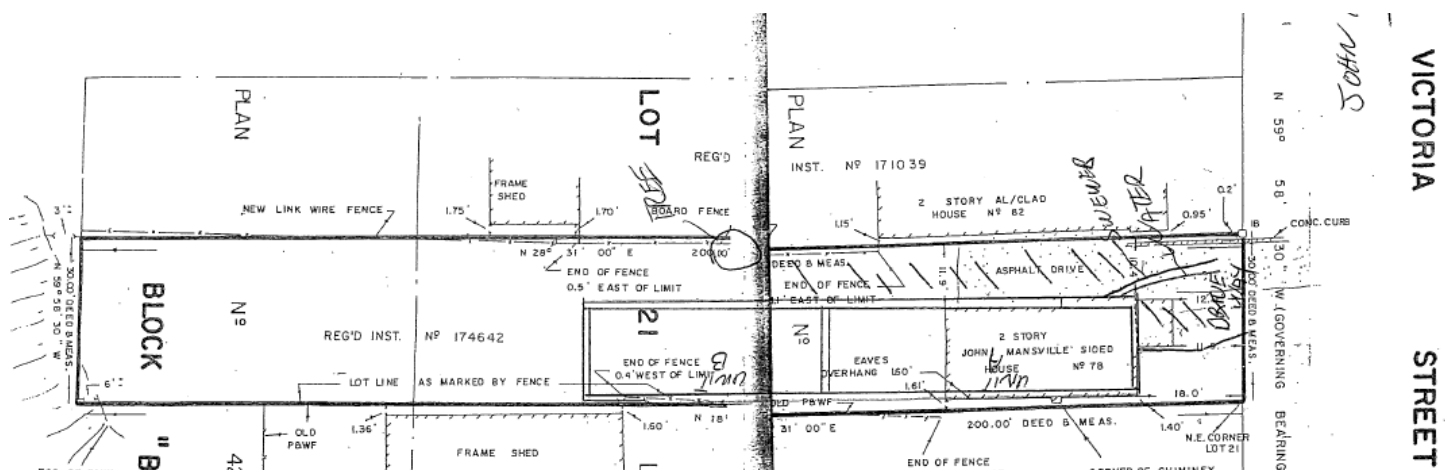
**Figure 1.** 2015 aerial view of subject lands showing current vacant property



**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