



TOWN OF MINTO

MEETING DATE: March 1st, 2022
REPORT TO: Committee of Adjustment
SERVICE AREA: Building & Planning Department
SUBJECT: PLN 2022-014 – Minor Variance: MV 2022-05 – Framark Development (Harding) 99 Arthur Street West, Harriston

RECOMMENDATION

THAT the Committee of Adjustment receives report PLN 2022-014 regarding proposed Minor Variance, MV 2022-05 – Framark Development Company Ltd., for property legally described as Part Park Lot 17, S/S Margaret; RP 61R6234, Parts 1 to 6, in the former Town of Harriston, with a municipal address of 99 Arthur Street West in the Town of Minto.

BACKGROUND

The subject property for the proposed Minor Variance has a municipal address of 99 Arthur Street West and is legally described as Part Park Lot 17, S/S Margaret; RP 61R6234, Parts 1 to 6, in the former Town of Harriston. The property is +/- 1.37 ac (+/- 0.55 ha) in size and is zoned Site-Specific Residential (R1C-28) with site-specific provisions pertaining to lot area, lot frontage, setbacks, buffering, and building height. The subject property is designated as Residential in the County of Wellington Official Plan.

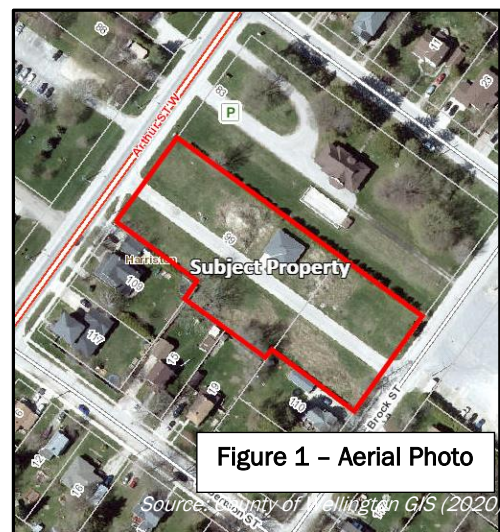


Figure 1 – Aerial Photo

The development proposal was originally approved in 2000 with the previous owner. Framark Development Company purchased the property and is a local company with experience in residential construction.

The vision with the property, and the reasoning behind the site-specific zoning, is to construct 16 land-lease single-detached senior dwellings. A land-lease allows seniors to purchase their dwelling and pay a fee per month for the land the property is on. The fee includes all lawn care, landscaping, and snow removal that is maintained by the developer. This development's vision is to provide housing to seniors who are unable or do not want to have the physically demanding responsibility of maintaining the outdoor space of their home. Currently, 3 of the 16 units are occupied, with 2 more units under construction.

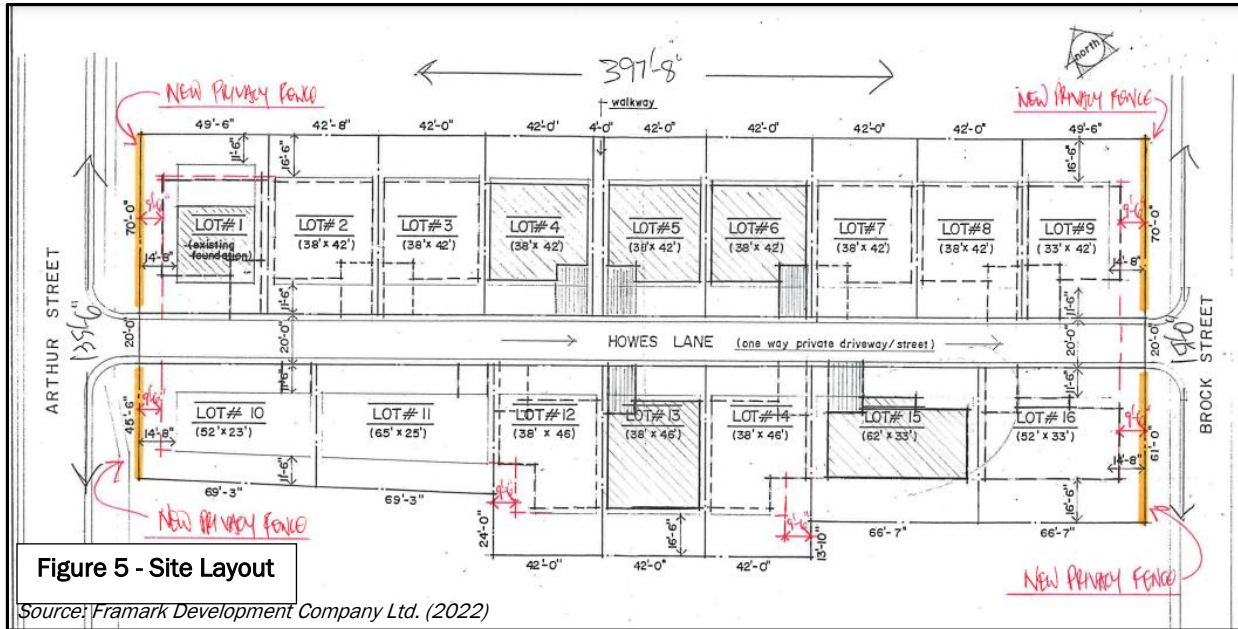
The Committee may recall a Minor Variance coming before them on May 18th, 2021, seeking relief from Section 35.28 c) iv) of the Town of Minto's Comprehensive Zoning By-law 01-86, as amended. Section 35.28 c) iv) states that the minimum interior side yard setback between dwellings where a garage or carport is attached to and forms part of the main dwelling is 2.44 m (8.0 ft) and 1.22 m (4.0 ft) between attached garages and carports whereas the applicant proposed to reduce all interior side yard setbacks to 1.22 m (4.0 ft).

The reason the relief was sought was to increase the front yard setback beyond the 3.5 m (11.5 ft) minimum to increase the off-street parking spaces for each dwelling to 2 spots while maintaining the square footage of each dwelling. Each dwelling unit is approximately 1,000 ft².



The developer has noted that the original approved plan from 2000 has created some issues for “fitting” the 16 single-detached dwellings on the property with the dwelling layout that is the most demanded in today’s market. The developer is seeing interest primarily in the layout of the 3 occupied dwellings and currently has requests to build homes with that floor plan on Lot #1 and #9. Due to the existing approved lot layout, relief is required from Section 35.28 b) iv) of the Town of Minto’s Comprehensive Zoning By-law 01-86, as amended, to reduce the exterior side yard setback from 4.5 m (14.7 ft) to 2.93 m (9.6 ft). The developer is also proposing this for Lot #10 and Lot #16, to maintain consistency in the development.

Relief is also additionally being requested from Section 35.28 c) v) for Lot #12 and Lot #14, also due to demand, for a covered rear porch. Due to the wording of the existing site-specific zoning and the lot shape of these two lots, rear-yard relief is required to reduce the setback from 5.0 m (16.5 ft) to 2.93 m (9.6 ft).



Wellington County Official Plan

The subject property is designated Residential in Wellington County’s Official Plan and is located within the Urban Centre of Harriston.

Section 13.7 of the Official Plan provides consideration for Minor Variances provided the general intent of the Official Plan and Zoning By-law are maintained and the variance is minor and desirable for the appropriate development of the land. Consideration is given as to whether compliance with the By-law would be unreasonable, undesirable or would pose undue hardship on the applicant.

Town of Minto Zoning By-law

The subject property is zoned Site-Specific Residential (R1C-28) which permits for the construction of the 16 land-lease single-detached senior dwellings. The minimum exterior side yard setback for the site is 4.5 m (14.7 ft) whereas 2.93 m (9.6 ft) is requested. Additionally, the minimum rear yard setback is 5.0 m (16.5 ft) whereas 2.93 m (9.6 ft) is requested.

	Required	Proposed	Difference
Exterior Side Yard Setback <i>Minimum</i> Section 35.28 b) iv)	4.5 m (14.7 ft)	2.93 m (9.6 ft)	1.57 m (5.1 ft)
Rear Yard Setback <i>Minimum</i> Section 35.28 b) iv)	5.0 m (16.5 ft)	2.93 m (9.6 ft)	2.07 m (6.9 ft)

When the Committee is considering a Minor Variance application, Section 45(1) of the *Planning Act* must be applied to determine if the Minor Variance should be approved. The four tests are as follows:

- 1) Is the application minor in nature?
- 2) Is it desirable for the appropriate development or use of the land, building, or structure?
- 3) Is it in keeping with the general intent and purpose of the Zoning By-law?
- 4) Is it in keeping with the general intent and purpose of the Official Plan?

Town staff are satisfied that the application is minor in nature, would be desirable and appropriate for the development of the subject property, and maintains the general intent and purpose of the Official Plan and Zoning By-law. Town staff note that development is dynamic and the existing approved plan from 2000 does not necessarily meet the demands of today. The relief requested is minor in nature and will facilitate a development that is shown to be in demand by the community.

COMMENTS

Town Staff, Wellington County's Planning Department, Maitland Valley Conservation Authority, as well as other agencies required by the *Planning Act* have been circulated the application for review and the following comments were received.

Wellington County's Planning Department

The County has reviewed the application based on matters of County interest only. They have indicated their understanding of the relief being requested and have noted that the subject property is designated as Residential in the Urban Centre of Harriston. Also, the County notes that the subject property is located within Special Policy Area PA5-4 for "Howe's Lane Residential Development" which permits a leasehold development. Planning staff have no concerns or comments as it relates to matters of County interest.

Wellington Source Water Protection

Wellington Source Water Protection reviewed the Source Water Protection Screening Form for the proposed build at the property and have indicated that the proposed use will not create a significant drinking water threat. As such, the application was screened out and does not require a Section 59 notice under the *Clean Water Act*.

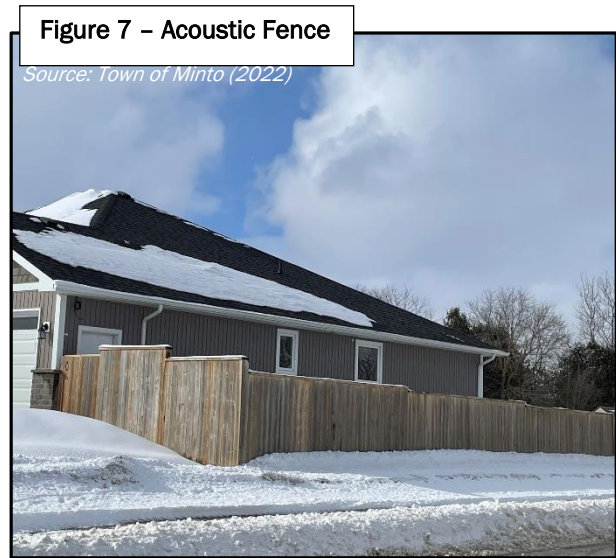
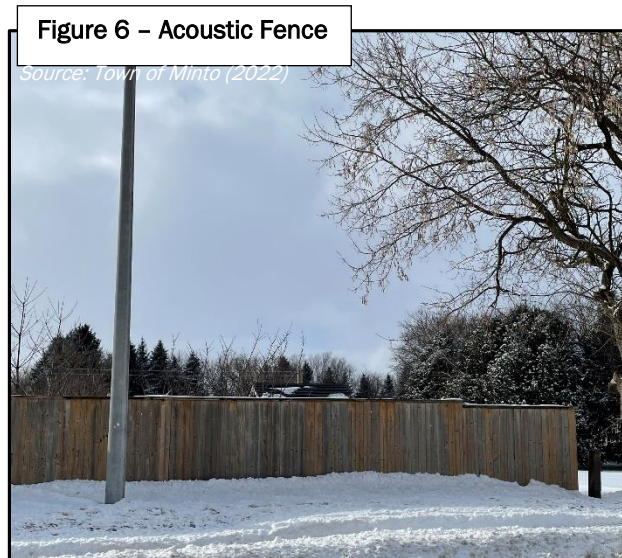
Maitland Valley Conservation Authority

Maitland Valley Conservation Authority (MVCA) has reviewed the application and have no concerns regarding the proposed development. The development in question is outside of the floodplain hazard or regulated areas and proposes to maintain access outside of the flood hazard.

Town of Minto Staff

Town staff recognize the demand for senior housing in the community and are recommending the approval of the proposed Minor Variance. Town staff are satisfied that the application maintains the general intent and purpose of the Official Plan and Zoning By-law and would be desirable and appropriate for the development of the subject property.

Town staff note that the existing zoning of the subject property requires a buffering fence of no less than 1.8 m (6.0 ft) in height, and it is required to be provided along the entire length of the property line adjacent to Arthur Street and Brock Street, except for areas of ingress and egress. Due to the reduction in the exterior side yard setback, Town staff are recommending a required condition that the buffering fence be an acoustic board on board fence to reduce sound and increase privacy. The style of fence required will be similar to the existing fence between dwellings on Milton Seiler Crescent in Palmerston and TG Minto, as shown in Figure 6 and 7 below.



No additional comments or concerns were raised by Town staff or by external agencies. The Wellington County Planning Department report is attached for your review.

No additional formal written submissions, or registrations to attend the Public Meeting, were received prior to the submission of this report.

STRATEGIC PLAN

Ensure growth and development in Clifford, Palmerston and Harriston makes cost effective and efficient use of municipal services, and development in rural and urban areas is well planned, reflects community interests, is attractive in design and layout, and is consistent with applicable County and Provincial Policies.

PREPARED BY: Ashley Sawyer, Planning Technician/Administrative Assistant

RECOMMENDED BY: Derrick Thomson, Chief Administrative Officer