

NOTICE OF DECISION OF
COMMITTEE OF ADJUSTMENT
WITH REASONS RE APPLICATION FOR
File No. MV-2022-05 Minor Variance – s.45(1)

NAME OF COMMITTEE: The Town of Minto Committee of Adjustment
RE AN APPLICATION BY: Framark Development Company Ltd. (Mark Harding)
PROPERTY ADDRESS: 99 Arthur Street West, in the Town of Minto
LOCATION OF PROPERTY: Part Park Lot 17, S/S Margaret; RP 61R6234, Parts 1 to 6, in the former Town of Harriston

The purpose and effect of the application is to permit the construction of 4 land-lease single-detached dwellings with reduced exterior side yard setbacks and 2 land-lease single-detached dwellings with reduced rear yard setbacks. The applicant is seeking relief from Section 35.28 b) iv) and Section 35.28 c) v) of the Town of Minto's Comprehensive Zoning By-law 01-86, as amended. Section 35.28 b) iv) states that the minimum exterior side yard setback adjacent to Arthur Street and Brock Street is 4.5 m (14.7 ft) whereas 2.93 m (9.6 ft) is proposed for 4 dwellings. Section 35.28 c) v) states that the minimum rear yard setback is 5.0 m (16.5 ft) whereas 2.93 m (9.6 ft) is proposed to the covered rear porch.

WE, the undersigned, in making the decision upon this application, have considered whether or not the variance requested was minor and desirable for the appropriate development or use of the land, building or structure, and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained or, in the case of a change in the use of property which is lawfully non-conforming under the By-law, as to whether or not this application has met the requirements of subsection 45(2) of *The Planning Act*, concur in the following decision and reasons for decision made on the 1st day of March 2022.

DECISION: **Denies** the application by 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, municipally known as 99 Arthur Street West in the Town of Minto with frontage onto both Arthur Street West and Brock Street, to provide relief from Section 35.28 b) iv) and Section 35.28 c) v) of the Town of Minto's Comprehensive Zoning By-law 01-86, as amended. Relief is not granted from Section 35.28 b) iv) is to reduce the minimum exterior side yard setback adjacent to Arthur Street and Brock Street to 2.93 m (9.6 ft) for Lot #1, #9, #10 and #16 on the provided site sketch, and from Section 35.28 c) v) to reduce the minimum rear yard setback to 2.93 m (9.6 ft) for Lot #12 and #14.

CONDITIONS: THAT a minimum 1.8 m (6.0 ft) in height acoustical fence be provided as the buffer strip required by Section 35.28 b) v) of the Town of Minto's Comprehensive Zoning By-law 01-86, as amended.

REASONS FOR DECISION: The Committee believing the request not to be minor and desirable for the appropriate development of the lands and does not maintain the intent and purpose of the Official Plan and Zoning By-law, has approved the application.

A brief explanation of the effect, if any that the written and oral submissions had on the decision:

Town of Minto staff comments.

Wellington County Planner comments.

Maitland Valley Conservation Authority comments.

Signature of member

Signature of member

Signature of member

Signature of member

Signature of member

Signature of member

Chair

Appeal – The last date for filing a notice of appeal of this decision is March 21st, 2022. Any such appeal must be filed with the Secretary-Treasurer of the Committee and must set out the objection to the decision and the reasons in support of the objection and must be accompanied by the fee required by the Ontario Land Tribunal.

Amount of Fee payable on appeal is \$400.00.

Other applications – If known, indicate if the subject land is the subject of an application under the Act for:

Application Type	File Number	Status
Plan of Subdivision (Section 51)		
Consent (Section 53)		
Previous application (Section 45)		

CERTIFICATION

I, Annilene McRobb, certify that the information included herein is a true copy of the decision of the Committee with respect to the application recorded therein.

Dated this 1st day of March 2022.

Signature of Secretary-Treasurer

Personal information contained on this form, collected pursuant to the *Planning Act*, will be used for the purposes of that Act. Questions should be directed to the Freedom of Information and Privacy Coordinator at the institution conducting the procedures under the Act.