



TOWN OF

MINTO

MEETING DATE: July 8th, 2025

REPORT TO: Committee of Adjustment

SERVICE AREA: Building Department

SUBJECT: PLN 2025-011 – Minor Variance: MV 2025-05 –

Robert Harris
167 Margaret St S, Harriston

RECOMMENDATION

THAT the Committee of Adjustment receives report PLN 2025-011 legally described as LOT 7 PT LOT 8, and is municipally known as 167 Margaret St S, Harriston, Town of Minto, for information and considers denying the application.

BACKGROUND

The subject property is municipally known as 167 Margaret St S, with the former Town of Harriston, and is approximately 1413.7 m² (15,216.7 ft²) in size. It currently contains an existing two-storey dwelling and a shed, located within the R1B (Low Density Residential) Zone. The existing structures are to be demolished to allow for the construction of two new single family detached dwellings, in conjunction with a concurrent severance application.

Severance Application B9-25 was provisionally approved by the Wellington County Land Division Committee at its June 2025 meeting. This application proposes to create two separate parcels with frontage on Margaret Street.



Figure 1 – Aerial Photo

Source: Wellington County GIS (2020)

In addition to the present Minor Variance application and severance application, a previous Minor Variance application was approved by Council on May 6th, 2025, to grant relief from specific zoning provisions for the retained parcel:

- A reduced Exterior side yard setback of 3.0 metres (9.8 ft), whereas 6.0 metres (19.7 ft) is required.
- An increased maximum lot coverage of 45%, whereas 40% is permitted.

The approval is subject to the following two conditions outlined in the Notice of Decision:

1. No encroachments, including decks, porches, balconies, or steps, shall be permitted within the exterior side yard.
2. The reduced exterior side yard setback shall not apply to the garage.

Purpose & Effect

The property owner is proposing to construct a 148.64 m² (1,600 ft²) one-storey dwelling unit along with a 57.85m² (624.0 sq. ft) detached garage at the rear of the property. The proposal includes a request for relief from the minimum required exterior side yard setback and an increase in lot coverage in addition to the previously approved Minor Variance, as well as 2 additional zoning provision reliefs.

The applicant is proposing a setback of 1.52 metres (5.0 ft) for the dwelling and 3.96 metres (13.0 ft) for the accessory structure, whereas the R1B (Low Density Residential) Zone requires a minimum setback of 6.0 metres (19.7 ft), with the previous relief being approved for a 3.05m (10.0 ft) exterior side yard setback to the dwelling unit, and no relief granted to the detached garage.

Further, the applicant is requesting relief to increase the maximum permitted lot coverage from 40% to 60%, with the previous relief being granted for a 45% lot coverage.

In addition to the above, the applicant is also requesting to construct the accessory structure on a vacant lot prior to the construction of the principal dwelling, while the Zoning By-law requires that a principal use be established on a property before an accessory structure can be constructed.

R1B (Low Density Residential)			
Section	Required	Proposed	Difference
10.2.5) Minimum Exterior Side Yard	6m	1.52m	4.48m
10.2.5) Minimum Exterior Side Yard to the accessory structure	6m	3.96m	2.04m
10.2.8) Maximum Lot Coverage	40%	60%	20%
6.1.5 a) construction of an accessory structure without the establishment of the principal use.			

COMMENTS

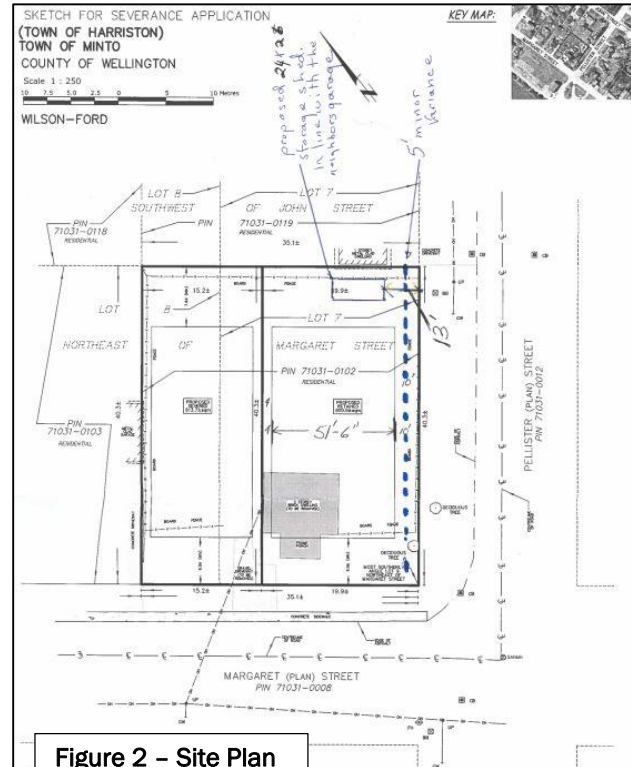
Town staff, the Wellington County Planning Department, property owners within 60 metres (200 ft) of the subject property, and relevant agencies including Source Water Protection, the Maitland Valley Conservation Authority, a local Propane Distributor, and the County of Wellington, as required under the Planning Act have been circulated the application for review, and no concerns have been received.

Wellington County's Planning Department

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

Planning staff note that Severance Application B9-25 was provisionally approved by the Wellington County Land Division Committee at the June 2025 Land Division meeting. A similar Minor Variance application was also approved for the subject property in May 2025, permitting a reduced exterior side yard setback of 3 metres and a maximum lot coverage of 45%.

Overall, Planning staff have no concerns with the proposed Minor Variance application.



Source: Wilson Ford Surveying (2025)

Town of Minto Staff

Town staff have reviewed and discussed the application and are not in support of the proposed Minor Variance, as the requested relief does not satisfy the four tests of a Minor Variance under the Planning Act.

Staff recommend that the Minor Variance application **not** be approved, for the following reasons:

- The Zoning By-law requires that a principal use be established on a property prior to the construction of an accessory structure. The applicant is requesting permission to construct an accessory structure on a vacant lot prior to the construction of the principal dwelling. Staff have 2 concerns with this request:
 - the term 'accessory use' means that it is related to and subsidiary to a principal use, which in this case, the principal use will be a vacant lot, which cannot have a use accessory to it.
 - If the request is approved, the Town will have no means to ensure that the dwelling unit is constructed, potentially leaving the property with just a detached garage on it.
- The proposed exterior side yard setback relief to the dwelling unit does not specifically identify if the request is to strictly the dwelling, or whether the intent is to include an attached garage, which was a condition of the previously approved Minor Variance. Regardless, staff has concerns with this request:

- The ambiguity of the requested relief may be requesting relief to an attached garage, which, with snow removal activities, may cause damage to vehicles parked partially on the driveway, but substantially within the boulevard
- Site triangle concerns have been raised by staff, if an attached garage is located towards the exterior corner of the lot.
- The requested relief will not permit sufficient room for typical on-site landscaping activities without encroachments onto Town property (i.e. flower beds, tree planting, etc).
- The Town's right-of-way contains many current and potentially future public and private services (i.e. sidewalks, water/sanitary mains, telephone and telecommunication lines, gas lines, etc,) and the repair and maintenance of these will have additional costs to the Town and others to perform these tasks due to anticipated encroachments and potentially undermining the foundation of the dwelling unit.
- The proposed exterior side yard setback relief to the detached garage raises concerns to Town staff. Although the intent of the request is to align the detached garage with the attached garage at 64 Pellister St W. Staff have concerns with this requested relief:
 - A vehicle parked within the driveway leading the detached garage will be partially parked on the Town's boulevard, causing liability concerns due to snow removal activities.
 - The Committee needs to be aware that the adjacent attached garage located at 64 Pellister St W as constructed following the approval of a Minor Variance in January 1993 due to site constrained. As the Committee is aware, each Minor Variance is dealt with under its own merits and does not set a precedence for future applications.
- Staff are concerned with the requested increase in Lot Coverage from 40 to 60%, with approval being received by the pervious Minor Variance to 45%, and the declared development.
 - The applicant has indicated that their intent is to construct a 148.65m² (1600 sq. ft) bungalow with a 57.85m² (624.0 sq. ft) detached garage. As the corner lot under the severance application is to be 800.0m² (8611.12 sq. ft), the proposed lot coverage with the size of the buildings declared, equates to 25.83% lot coverage. Staff is concerned that the parametres submitted of what is being requested do not reflect the owners are indicating that they intend to develop. 65% lot coverage equates to a detached garage of 57.85m² (624.0 sq. ft) detached garage will permit the construction of a 422.0m² (4542.68 sq. ft) dwelling unit.

Minor Variance Four Tests

When the Committee of Adjustment 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:

Criteria	Response
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Is the application minor in nature?	No, the extent of relief requested, reducing the side yard from 6 m to 1.52 m, and allowing an accessory structure before the main dwelling, is significant and not considered minor.
Is it desirable for the appropriate development or use of the land, building, or structure?	No, the proposal is not desirable, as it conflicts with the surrounding neighborhood character and does not support orderly residential development.
Is it in keeping with the general intent and purpose of the Zoning By-law?	No, the proposal undermines the zoning intent by violating previous conditions and allowing development contrary to standard practices in the R1B Zone.
Is it in keeping with the general intent and purpose of the Official Plan?	No, while residential use is permitted, the proposed variance does not support the Official Plan's goals for compatible and orderly development.

No additional comments or concerns were raised by Town staff or by external agencies. No additional formal written submissions, or registrations to attend the Public Hearing, were received prior to the submission of this report.

STRATEGIC PLAN

N/A

PREPARED BY: Sama Haghighi, Planning Coordinator

RECOMMENDED BY: Gregg Furtney, Chief Administrative Officer