



COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
GARY A. COUSINS, M.C.I.P., DIRECTOR
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ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH, ONTARIO
N1H 3T9

November 29, 2016

Bill White, CAO / Clerk
Town of Minto
5941 Highway 89
Harriston, Ontario N0G 1Z0

Dear Mr. White:

**Re: Isaac Martin – Second Dwelling
Lot 12, Concession 10, 6433 10th Line
Draft Zoning By-law Amendment**

PLANNING OPINION

The main issue to be sorted out is whether Council would prefer a permanent accessory dwelling or a temporary garden suite for 20 years, with subsequent 3 year extensions. In my opinion, Council has the latitude to go in either direction. The intent behind second dwelling units is not for single detached dwellings, but for apartments within a dwelling or within an accessory building or structure. On the other hand, is there anything wrong with a second detached dwelling on a large rural residential lot? There are a few other minor issues – septic suitability, rear yard deficiency, home industry distance to property boundary deficiency. I can prepare a draft zoning by-law once the direction is set by Council.

LOCATION

The property subject to the proposed amendment is located on Part Lot 12, Concession 10 with a municipal address of 6433 10th Line. The property is 1.04 ha (2.58 acres) in size and is shown on the air photo next page. The property contains a residential dwelling as well as a 2,400 sq. ft. bicycle repair shop.

PURPOSE

The purpose and effect is to rezone the subject lands to permit either: a permanent accessory dwelling, or a temporary Garden Suite for a period of up to 20 years. Zoning relief may also be required for: the distance between the primary dwelling and the accessory dwelling, exceeding the maximum lot coverage for accessory buildings, recognizing the bicycle repair shop and other relief where considered appropriate. The parcel is currently zoned agricultural.

BACKGROUND

Isaac and Anna Martin are siblings and reside in the existing dwelling. They wish to have a second dwelling on the property for Anna to reside in. Their preference is to be allowed this second dwelling on a permanent basis. However, if Council does not support this, they wish to be considered for a Garden Suite for a period of 20 years.

The initial proposal was for the new dwelling to be located about 200 feet in front of the existing dwelling. It's my understanding that they wish to revise the location to the southwest corner, behind the existing dwelling.



PROVINCIAL POLICY STATEMENT (PPS)

The PPS generally encourages intensification and a range of housing types. Section 1.4.3 (b)(2) requires planning authorities to permit and facilitate *“all forms of intensification, including second units ...”*

WELLINGTON COUNTY OFFICIAL PLAN

The subject land is designated Prime Agricultural in the Official Plan.

Bill 140 went into effect in 2012 and made changes to the Planning Act, requiring municipalities to make changes to their Official Plan that authorize the use of a second unit in a single detached, semi-detached and rowhouse dwelling, as well as in ancillary buildings and structures. Official Plan Amendment 99 to the County Official Plan accomplished this.

Section 4.4.6.2 of the Plan now includes policies for second units within an ancillary building or structure.

“A second unit will be prohibited from being severed from the property.”

“Local municipalities may enact zoning provisions to address the following:

- a) the second unit is located within the main building cluster on the property;*
- b) the second unit will be clearly secondary to the primary dwelling unit on the property;*
- c) Minimum Distance Separation formula is complied with, where applicable;*
- d) that screening/buffering, where deemed necessary, is provided to minimize visual impacts to adjacent properties and frontages.”*

ZONING BY-LAW

The Martin property is 2.58 acres in size. It was created by severance B137/12 in 2012, as a surplus farm residence.

The property is currently zoned Agricultural (A). In agricultural areas, a second dwelling unit is allowed as a right as long as the farm property is at least 86 acres in size (Section 8.4). The intent is to allow for a farm help dwelling, without requiring a rezoning.

8.4 REGULATIONS FOR ...FOR A SECOND RESIDENTIAL DWELLING

- 8.4.1 LOT AREA, Minimum** 35.0 ha (86.0 ac)
- 8.4.2 FLOOR AREA, Minimum** 74.3 m² (800.0ft²)

8.4.3 LOCATION

*A second residential dwelling shall be located within the **Farm Building Cluster**. The second residential dwelling unit must be detached from the main residential dwelling, shall share a common driveway with the main farm residence, and shall be located within a 61.0 m (200.0 ft) radius of the main farm residence. A second residential dwelling shall be provided with a potable water supply and adequate **private sewage treatment facility**.*

8.4.4 TYPE OF RESIDENTIAL DWELLING

A second residential dwelling unit may be traditionally constructed, pre-fabricated, modular or a mobile home.

PLANNING CONSIDERATIONS

Type of Dwelling Proposed

Question 13 of the rezoning application indicates that the unit is to be a “modular home”, not a mobile home. It is to be 54 ft. long and 28 ft. wide, for a total of 1,512 sq. ft. Council may wish to get more details on the dwelling.

Septic System

It's my understanding that because of the recent change in the accessory dwelling's location, that suitability of soils for a septic system still needs to be reviewed by the Building Official.

Permanent Second Dwelling or a Garden Suite

The main difference is that the Garden Suite is only permitted on a temporary basis for a period up to 20 years. After that the use may be extended for 3 years at a time. Each time a rezoning is required. Ultimately, the garden suite would be removed from the property.

As I noted above, the agricultural zone allows a second dwelling in the form of a mobile home on an 86 acre property right now, without a rezoning.

The issue is whether smaller properties such as the subject land should also be allowed to have a second dwelling on a permanent basis?

I don't think I have a problem with the permanent accessory dwelling. Compared with an urban lot, 2.58 acres is large. The official plan prohibits the second dwelling to ever be severed.

I also understand that the horse and buggy community has difficulty finding suitable accommodation for young adults.

Letter From Darrell and Jane Buehler

The Buehler's live immediately across the road at 6434 10th Line. The proposed new dwelling will be about 1,475 ft. from the Buehler residence. The Buehler's have provided a written submission recommending the accessory dwelling be placed behind the existing dwelling, in order to improve the view from the road. The Martin's have revised the application accordingly.

Yard Setback Compliance

The revised sketch shows the interior side yard setback to be 10 ft. which would comply for a dwelling under the Reduced Lot Regulations (Sections 8.5.2). However, the rear yard setback of 10 ft. would be deficient from the required 24.9 ft. I do not have any concerns with supporting this variance, as there is just a farm field to the rear.

Bicycle Repair Shop

A bicycle repair shop is situated in an 2,400 sq. ft. accessory building on the parcel. While a Home Industry is permitted on a Reduced Lot, not all of the regulations can be met. Section 6.14 (g) requires a home industry to be sited at least 74.8 ft. from a lot line. Given the location away from neighbouring residences, I do not have a problem providing relief to this, as there should be little potential for creating a nuisance.

DRAFT AMENDMENT

I have not attached a draft zoning by-law amendment, as there are a few matters that need to be sorted out.

I trust that these comments will be of assistance to Council in their consideration of this matter.

Sincerely,



Mark Van Patter, RPP, MCIP
Manager of Planning and Environment
markv@wellington.ca
519.837.2600 Ext. 2080

C: Isaac Martin by mail



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N1H 3T9

January 4, 2017

Bill White, CAO / Clerk
Town of Minto
5941 Highway 89, Harriston, Ontario N0G 1Z0

Dear Mr. White:

Re: Isaac Martin – Garden Suite and Bicycle Repair Shop
Draft Zoning By-law Amendment

I have attached a draft zoning amendment for Council's consideration. I have tried to capture the conclusions reached during the public meeting as well as Mr. Martin's subsequent directions.

The main purpose is to rezone the subject lands to permit a temporary garden suite in the form of either a **mobile home or a modular home**, for a period of up to 20 years. Minor variances for the garden suite are included to:

- Allow the maximum area to be 1,500 sq. ft. instead of 1,000 sq. ft.
- Clarify that the garden suite may be located in front of the main dwelling, provided the setback does not exceed 200 ft.
- Allow the minimum interior side yard to be 5 ft. instead of 9.8 ft.
- Require a vegetative buffer strip in front of and to the sides of the garden suite to screen the view from the road.

The secondary purpose is to recognize the existing home industry and existing hobby farm on the property, pursuant to Minor Variance A2/13 approved by the Minto Committee of Adjustment on October 15, 2013.

Please let me know if you feel any further revisions are required.

Sincerely,

Mark Van Patter, RPP, MCIP
Manager of Planning and Environment

markv@wellington.ca

519.837.2600 Ext. 2080

C: Isaac Martin by mail

**THE CORPORATION OF THE TOWN OF MINTO
BY-LAW NUMBER _____.**

**BEING A BY-LAW TO AMEND ZONING BY-LAW NUMBER 01-86
FOR THE TOWN OF MINTO**

WHEREAS, the Council of the Corporation of the Town of Minto deems it necessary to amend By-law Number 01-86;

NOW THEREFORE the Council of the Corporation of the Town of Minto enacts as follows:

1. THAT Schedule "A" - Map No. 1 of the Town of Minto Zoning By-law 01-86 is amended by revising the zoning, on Part Lot 12, Concession 10 (former Township of Minto), with a civic address of 6433 10th Line, from **Agricultural (A) to Agricultural Exception (A-114)**, as shown on Schedule "A" attached to and forming part of this By-law.
2. THAT Section 36, Exception Zone 3, is amended by the inclusion of the following new exception **36.114**:

A-114

1. ***In addition to the other uses permitted for this property, a temporary, dwelling in the form of a garden suite as defined by this By-law is permitted, subject to the following regulations:***
 - i) ***Notwithstanding any other section of this by-law, the garden suite may take the form of either a mobile home or a modular home, provided it is of a temporary nature and can be removed from the site;***
 - ii) ***Notwithstanding Section 6.12 (e), the maximum floor area shall be 139.35 sq. m. (1,500 sq. ft.);***
 - iii) ***Notwithstanding any other section of this by-law, the garden suite may be located in front of the main residential dwelling, provided the setback from the main residential dwelling, wall to wall, does not exceed 60.96 m. (200 ft.);***
 - iv) ***Notwithstanding Section 8.5.2.5, pursuant to Section 6.12(I), the minimum interior side yard shall be 1.5 m. (5.0 ft.).***
 - v) ***A vegetative planting strip as per the regulations of Section 6.3 of this by-law shall be required, in front of and to the sides of the garden suite, to screen it from the road;***

vi) *Other than above, the garden suite shall comply with the regulations of Section 6.12 of this by-law;*

vii) *Pursuant to Section 39.1(3) of the Planning Act, R.S.O. 1990, c.P.13 as amended, the garden suite is permitted until January 10, 2037.*

2. *In addition to the other uses permitted for this property, a home industry, in the form of an existing bicycle repair shop is permitted, subject to the following regulations:*

- i) *Minimum Interior Side Yard* **3.04 m. (10 ft.)**
- ii) *Minor accessory sales of bicycles shall also be permitted, provided the main use of the home industry is bicycle repairs;*
- iii) *Other than above, the home industry shall comply with the regulations of Section 6.14 of this by-law.*

3. *In addition to the other uses permitted for this property, a hobby farm is permitted, subject to the following regulations:*

- i) *Maximum Floor Area* **83.76 sq. m. (901.6 sq. ft.)**
- ii) *Minimum Interior Side Yard* **3.04 m. (10 ft.)**
- iii) *Minimum Rear Yard* **21.33 m. (70 ft.)**
- iv) *Other than above, the hobby barn shall comply with the regulations of Section 8.3 of this by-law.*

3. THAT except as amended by this By-law, the land as shown on the attached Schedule "A" shall be subject to all applicable regulations of the Town of Minto Zoning By-law 01-86, as amended.

4. THAT this By-law shall come into effect upon the final passing thereof pursuant to Sections 34 and 39 of The Planning Act, R.S.O., 1990, as amended

READ A FIRST AND SECOND TIME THIS _____ DAY OF _____, 2017.

READ A THIRD TIME AND PASSED THIS _____ DAY OF _____, 2017.

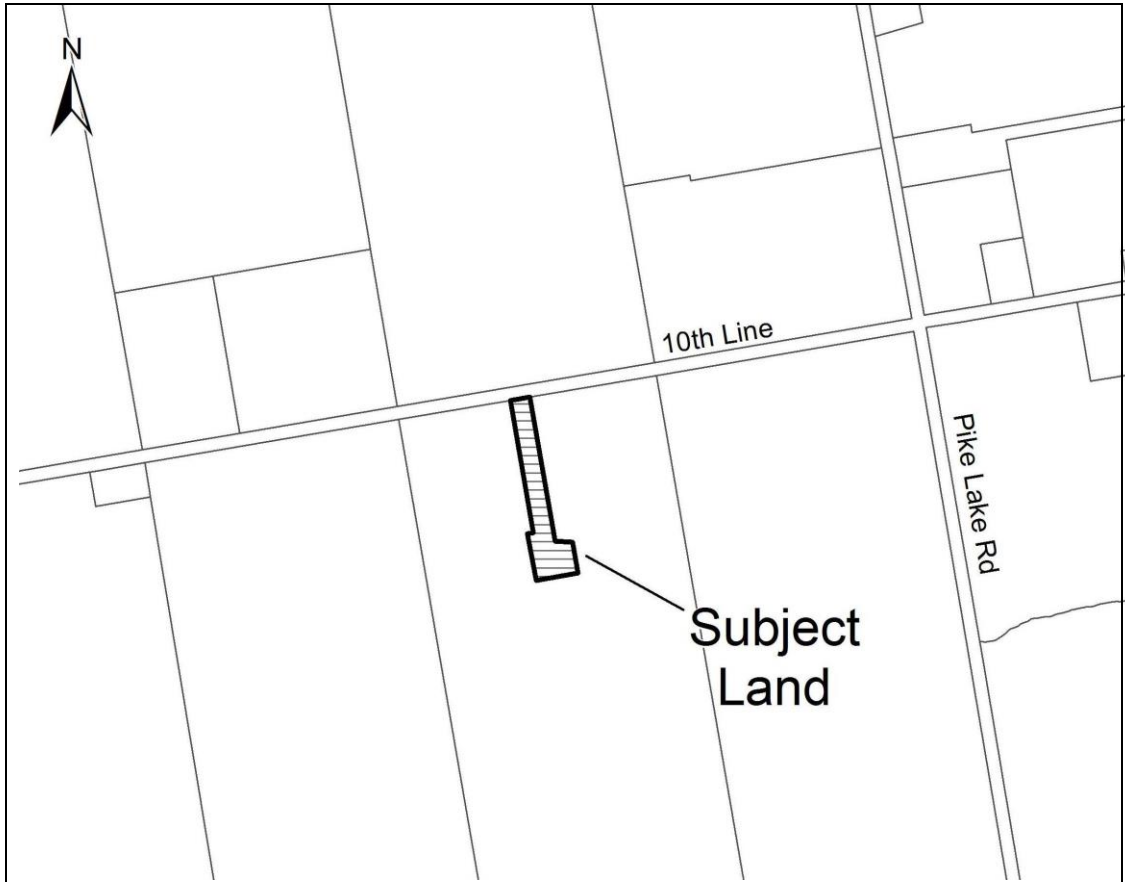
MAYOR

CLERK

THE TOWN OF MINTO

BY-LAW NO _____.

Schedule "A"



Revise the Zoning from Agricultural (A) to Agricultural Exception (A-114)

This is Schedule "A" to By-law _____.

Passed this ____ day of _____ 2017.

MAYOR

CLERK

BY-LAW NUMBER _____.

LOCATION

The property subject to the proposed amendment is located on Part Lot 12, Concession 10 with a municipal address of 6433 10th Line. The property is 1.04 ha (2.58 acres) in size, and contains a residential dwelling as well as a 2,400 sq. ft. bicycle repair shop.

PURPOSE

The main purpose is to rezone the subject lands to permit a temporary garden suite in the form of either, a mobile home or a modular home, for a period of 20 years. Minor variances for the garden suite are included to:

- Allow the maximum area to be 1,500 sq. ft. instead of 1,000 sq. ft.
- Clarify that the garden suite may be located in front of the main dwelling, provided the setback is no greater than 200 ft.
- Allow the minimum interior side yard to be 5 ft. instead of 9.8 ft.
- A vegetative planting strip, in front of and to the sides of the garden suite, to screen it from the road.

The secondary purpose is to recognize the existing home industry and the existing hobby barn, as per relief provided through Minor Variance A2/13, approved by the Minto Committee of Adjustment on October 15, 2013. In addition, it is clarified that minor accessory bicycle sales are permitted.