

December 19, 2017

Town of Minto Council and Bill White, CAO
Town of Minto
5941 Hwy 89
Harriston, ON N0G 1Z0

Mayor Bridge and fellow Members of Council:

We have reviewed the Staff Report for the Site Plan Approval of the former Harriston Senior School and proposed Townhouse Development on George Street North. We are pleased to see a reputable name such as Quality Homes take interest in the development. We, however, do not feel that the recommendation can be approved until it meets the terms of the Minutes of Settlement and Zoning Bylaw Amendment approved by the Ontario Municipal Board.

We consulted with the lawyer and land use planner we retained during the OMB appeal for the subject lands and the following represents the basis for our concerns:

1. The proposal does not meet the required one-storey height limitation as dictated in the OMB Minutes of Settlement. The definition of a storey as written in the Town of Minto Zoning By-Law is as follows:

5.215 STOREY, means a horizontal division of a building from a floor to the ceiling directly above such floor, but does not include any mezzanine, gallery, balcony or other overhang, the floor area of which does not exceed 40 percent of the least dimension of the room in which the said overhang is located, and does not include a basement or cellar as defined in this By-law.

The definition for Floor Area is as follows:

5.96 FLOOR AREA, with reference to a building or structure, means the total floor area within a building or structure, which area is measured between the exterior faces of the exterior walls or from the centre line or a common or party wall, but excluding any private garage, breezeway, porch, verandah, balcony, sun room, attic, basement or cellar.

The Staff Report indicates the proposed loft is 518 sq.ft. and the main floor is 1,023 sq.ft. The definition indicates that the loft should not be counted if it does not exceed 40% of the least dimension of the room in which it is located, which in this case is 51%. If the 1,023 sq.ft. includes the private garage (which based on the definition of Floor Area it is not to include), the percentage greater. Based on the

numbers presented in the report, the loft should be considered a storey and would therefore, does not comply with the Minutes of Settlement. The loft size could only be 409 sq.ft. maximum for a 1,023 sq.ft unit, if the entire first floor is one room.

2. The Comments section on Page 6 of the Staff Report indicates that in general this project meets zoning requirements and Council approval is recommended. We respectfully disagree. The by-law requirements are not being met based on the following analysis:

a) Per the Minto Zoning By-law, parking is required at 1.5 spaces per unit. It would appear the development has single car garages. If the only parking provided in support of each unit is the driveway at one space per driveway, then the parking requirement in the zoning by-law is not being met on site. If only one parking space is being provided in front of each unit, the development will need to accommodate an additional 12 parking spaces somewhere on site. We see it's being proposed to have one side of the internal roadway designated as parking. With the number of driveways required for the number of units, fitting an additional 12 parking spaces is not likely feasible.

b) Further to the comment above regarding parking on one side of the internal roadway, the width of the access road into the site appears to be +/- 6.0m in width. A standard parking stall size is 2.8 m x 5.5 m. The Ontario Building Code requires a fire access route to be a minimum of 6.0 m in width. Proposing parking on one side of the internal roadway would result in the fire access route being reduced ($6 - 2.8 = 3.2\text{m}$). The following is an excerpt from the Ontario Building Code pertaining to Access Route Design:

3.2.5.6 Access Route design

(1) A portion of a roadway or yard provided as required access route for fire department use shall,

(a) have a clear width not less than 6 m, unless it can be shown that lesser widths are satisfactory.

While the code notes that lesser widths are satisfactory, reducing the width to 3.2 m is not normal or acceptable. Life safety is paramount and any proposed reductions in matters related to life safety should not be supported by Town of Minto Council.

c) In the site specific By-law 2016-048 for R2-46 zoning with exceptions, the units are to have a 3.0 m interior side yard setback. The image on Page 4 of the Staff Report shows what appears to be a 3.0 m setback from the end units to the "hammerhead" turnaround facility. It is our understanding that there will be a property line in this area, and as such the 3.0 m interior side yard setback is not being met.

- d) Section 3(c) of the site specific By-law 2016-048, also Exhibit D of the Minutes of Settlement, states that “All development on the lands must be constructed in accordance with all of the applicable provisions of the Town of Minto Zoning By-Law to ensure appropriate parking, amenity space, garbage facilities and other matters are provided in a suitable manner.” There is no indication in the report of a garbage facility on the subject lands.
- e) Section 13.3 of the Minto Zoning By-law indicates requirements for Common Amenity Areas for townhouse developments. As per Section 3(c), this should be applicable and is not addressed in the Staff Report. Common Amenity Areas are noted under General Provision 6.6 of the By-Law and indicate that Common Amenity Areas are to be provided within the boundaries of a development. For 23 units as proposed, the Common Amenity Area should be 152.8 sq.m. in size and there is no provision on the site plan presented for a Common Amenity Area. The development as proposed does not have the space to provide the Common Amenity Space as set out in the By-law.
- f) Section 3(c) addresses Parking. Section 6.27.5 of the General Provisions indicates that for ANY use requiring a parking requirement greater than 20 spaces (this project requires 35 spaces – 23 unit parking spaces and 12 additional parking spaces as address above), that at least one barrier free parking space is to be provided. This is also not shown on the site plan as presented.

In summary, we dispute that the project design and site plan complies with the Minutes of Settlement or meets the requirements of the Town of Minto Zoning By-law and the site specific By-law 2016-048 as suggested in the Staff Report. We strongly believe that Council should not proceed with approval as recommended at this time and reconsider once the site plan meets all applicable zoning requirements and the terms of the Minutes of Settlement approved by the Ontario Municipal Board.

Sincerely,

Rolf and Kerri Schuttel
50 George Street North
Harriston, ON N0G 1Z0