

June 24th, 2021

File No.: 2021-31

Brad Knight, CAO
Municipality of Huron East
72 Main St, Box 610
Seaforth, ON
NoK 1Wo

**RE: Minor Variance Application
North Seaforth Subdivision (Phase 2), Municipality of Huron East
Pol Quality Homes**

On behalf of Pol Quality Homes ("Owner") and Feeney Design Build ("Builder"), we are pleased to submit a Minor Variance Application for a portion of land known legally as Part of Lot 25, Concession 1, Geographic Township of McKillop, now in the Municipality of Huron East, County of Huron (herein referred to as the "Site"). The purpose of the Minor Variance is to request relief from the maximum permitted lot coverage for the proposed single detached dwellings in the R2-19 Zone. The Minor Variance would apply to a total of six (6) building lots and would permit an increase in the maximum lot coverage from 35% to 38%.

By way of this letter, the Owner and Builder are also requesting that Council pass a resolution per Section 45(1.3) of the Planning Act to permit a Minor Variance Application to be filed within two-years of a site-specific Zoning By-law Amendment Application for a particular property.

Project History

The Site comprises the Phase 2 and Phase 3 land of Draft Plan of Subdivision 40T-19001 and includes a mix of single detached dwellings and street townhouse dwellings. A site-specific Zoning By-law Amendment was approved in conjunction with the Draft Plan of Subdivision on October 1st, 2019 (By-law 48-2019).

The Minor Variance Application specifically applies to Lots 13 to 18, located on the south side of Briarhill Road (herein referred to as the "Subject Land"). Through the Zoning By-law Amendment, the Subject Land was zoned "Residential Medium Density Zone (R2-19)" in the Municipality of Huron East Zoning By-law. The R2-19 Zone permits single detached dwellings, and the applicable provisions from the R2 Zone apply. The site-specific regulations included in the R2-19 Zone relate to street townhouses and permits a maximum lot coverage of 46%.

At the time of the Zoning By-law Amendment Application in 2019 it was intended that the south side of Briarhill Road would be developed for either 2-storey single detached dwellings or street townhouses. The required maximum lot coverage for these two uses were appropriately addressed through the 2019 Zoning By-law Amendment Application; however, there has been strong market demand for 1-storey single detached dwellings that provide an opportunity to age in place. A 1-storey single detached dwelling typically results in higher lot coverages as the floor area must be achieved on one level. In newer subdivisions with efficient lotting patterns, single storey residential buildings typically range in lot coverage between 40 and 45%.

As illustrated in the Lot Plans, 1-storey single detached dwellings on the proposed lots will comply with all other provisions of the R2 Zone, including building height, lot area, landscaped open space, parking and building setbacks.

Tests of Minor Variance

Per Section 45(1) of the Planning Act, R.S.O. 1990, c. P.13, there are four (4) tests to be evaluated when considering a Minor Variance Application. The following section outlines the four (4) tests and provides an analysis in relation to variance sought by the Owner and Builder.

1. Is the application minor?

In our opinion the proposed lot coverage increase is minor, as the dwellings on each lot will comply with all other provisions in the R2 Zone, including landscaped open space and building setbacks. Through the compliance with building setbacks and the 1-storey building height, matters related to overlook and privacy are addressed. In our opinion, the minor increase is appropriate as it provides the ability to introduce a desired housing form to Seaforth.

2. Is the application desirable for the appropriate development of the lands in question?

It is our opinion that the application is desirable for the appropriate development of the Site. The variance will allow the residential development, as proposed by the Owner through the previous planning applications, to proceed to construction.

The Site is located within a settlement area and is designated and zoned for residential uses, and more specifically, residential uses ranging up to 46% lot coverage. With the provision of roadway and pedestrian connections, the residential development will be integrated into the community of Seaforth and will have access to the range of amenities available.

3. Does the application conform to the general intent of the Zoning By-law?

It is our opinion that the Minor Variance Application conforms to the general intent of the Zoning By-law by providing development lots that can accommodate all necessary site functions. The intent of lot coverage maximums in the Zoning By-law is to ensure that sufficient land area is available to:

- a) Accommodate the required building setbacks for a consistent streetwall, maintain privacy and minimize overlook
- b) Accommodate the required off-street parking spaces
- c) Provide sufficient landscaping and amenity areas to support the residential use

In our opinion, all three items noted above are achieved for each of the six (6) lots with the increased lot coverage of 38%.

4. Does the application conform to the general intent of the Official Plan?

In our opinion, the Minor Variance Application conforms to the general intent of the Huron East Official Plan, which encourages residential development and intensification within settlement areas that has access to a full range of services and amenities.

Requested Council Resolution

The Municipality of Huron East approved a Zoning By-law Amendment for the Site on October 1, 2019, as discussed above. Recent changes to the *Planning Act, R.S.O. 1990, c. P.13*. restrict all Minor Variance Applications on land where a recent approval has been granted for a Zoning By-law Amendment. Specifically, Section 45 (Powers of the Committee) of the Planning Act states that:

(1.3) Subject to subsection (1.4), no person shall apply for a minor variance from the provisions of the by-law in respect of the land, building or structure before the second anniversary of the day on which the by-law was amended. 2015, c. 26, s. 29 (2).

(1.4) Subsection (1.3) does not apply in respect of an application if the council has declared by resolution that such an application is permitted, which resolution may be made in respect of a specific application, a class of applications or in respect of such applications generally. 2015, c. 26, s. 29 (2).

To summarize the legislation, all minor variance applications are prohibited within two (2) years of a property receiving approval for site-specific zoning, unless the municipal council declares by resolution that such application is permitted.

A Resolution by Council to permit future Minor Variance Applications in no way indicates any opinion or support of the potential variance requests. The Resolution will only provide the Applicant with the right to apply for a Minor Variance.

Summary

In support of the Minor Variance Application, please find enclosed the following:

- One (1) copy of the completed Minor Variance Application; and,
- The applicable applications fee, being \$1,44.00.

We trust the submission can be accepted and circulated for review. Should you have any questions or comments, please let us know and we would be happy to discuss further.

Kind regards,



Caroline Baker, MCIP, RPP
Principal

c.c. Daryl Pol, Pol Quality Homes
Matt Feeney, Feeney Design Build

For office use only

File # _____

Received _____, 20 ____

Considered Complete _____, 20 ____

APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

Planning Act, RSO 1990, O. Reg. 200/96, Amended by O.Reg. 432/96 & 508/98

Minor Variance	2018 Fee Effective Jan 1/18	2019 Fee Effective Jan 1/19	2020 Fee Effective Jan 1/20	2021 Fee Effective Jan 1/21
- 1 or 2 variances	\$1,456	\$1,484	\$1,514	\$1,544
- 3 or more variances	\$1,872	\$1,909	\$1,947	\$1,986

Each application must be accompanied by the application fee in the form of a cheque payable to the local municipality.

The undersigned hereby applies to the Committee of Adjustment for the Municipality of Huron East
_____ (name of municipality) under section 45 of the
Planning Act 1990 for relief, as described in this application, from By-law No 52-2006 (as amended).

- Name of Owner Pol Quality Homes
Telephone : (519) 393-5200 Email: office@polqualityhomes.com
Address 139 Herbert Street, Unit 7, Mitchell, N0K 1K0
- Name of Agent (if applicable) Baker Planning Group
Telephone : 226-921-1130 Email: caroline@bakerpg.com
Address PO Box 23002 Stratford, ON N5A 7V8

Note: Unless otherwise requested, all communications will be sent to the agent, if any.

- Provide legal description and address of property.
Ward: McKillop
Concession: 1 Lot: Part Lot 25 Registered Plan #: _____
911 Address and Road Name: Briarhill Road

NOTE: If property legal description and address approved, all numbers following will need to be changed.

4. Names and addresses of any mortgages, holders of charges or other encumbrances:
5. Nature and extent of relief applied for:
1. To permit a maximum lot coverage of 38% for the lands zoned R2-19, whereas the by-law permits a maximum lot coverage of 35%.
6. Why is it not possible to comply with the provisions of the by-law?
Due to market demand, the builder is proposing 1-storey single detached dwellings which require a greater percentage of ground floor coverage to achieve suitable floor plans.
7. Legal description of subject land (registered plan number and lot number or other legal description and, where applicable, street and street number):
Ward: McKillop
Lot(s): Part of Lot 25 Concession: 1
Roll Number: _____ Registered Plan No.: _____
911 Number & Road Name: Briarhill Road
8. Is any of the subject land in Wellhead Protection Area C? Yes ☐ No ☒ Unknown ☐
If **Yes**, please obtain a Restricted Land Use Permit from the Risk Management Official. If **Unknown**, please consult with your Municipal Planner and obtain a Restricted Land Use Permit if necessary.
9. Indicate if access to the property is by Provincial Highway, municipal road maintained all year or seasonally, another public road or right of way: Future municipal road to be maintained all year
10. Will this proposal result in adding or changing the location of any driveways/accesses/entrances?
Yes ☐ No ☒ X
11. Dimensions of land affected:
Frontage: See attached plan Area: _____
Depth: _____ Width of street: 20m
12. Particulars of all buildings and structures on or proposed for the subject land (Specify ground floor area, number of storeys, width, length, height, etc.):
Existing:
Vacant.

Proposed:
See attached Lot Plans.

13. Location of all buildings and structures on or proposed for the subject land (Specify distance from side, rear and front lot lines):

Existing:
Vacant.

Proposed:
See attached Lot Plans.

14. Date of acquisition of subject land:
2018

15. Date of construction of all buildings and structures on subject land:
N/A

16. Existing uses of the subject property:
Vacant - servicing underway

17. Existing uses of abutting properties:
Vacant & Residential

18. Length of time the existing uses of the subject property have continued:
Former farmland.

19. Municipal services available (check appropriate space or spaces):

Water – Connected ☒ To be connected following servicing.

Publicly Owned ☐ Privately Owned ☐

Communal Well ☐ Lake ☐

Sewage Disposal – Connected ☒ To be connected following servicing.

Sanitary Sewers ☐ Septic System ☐ Privy ☐

Storm Drainage – Connected ☒ To be connected to the existing SWM facility to the west.

Storm Sewers ☐ Ditches ☐ Swales ☐ Other ☐

20. Is this property assessed to a Municipal Drain?

Yes ☐ No ☒

If yes, what is the name of the drain? _____

21. Is there a tile drain loan for this property or has an application for a tile drain loan been submitted to the Municipality within the last 90 days?

Yes ☐ No ☐

22. Present Official Plan provisions applying to the land:

Urban

23. Present Zoning By-law provisions applying to the land:

R2-19

24. Has the owner previously applied for relief in respect of the subject property?

Yes ☒ No ☐

If the answer is yes, describe briefly:

By-law 48-2019

25. Applicants are strongly encouraged to contact the County and speak/meet with the Planner to the Municipality before submitting an application for information.

Date of Applicant's consultation meeting with County Planner: Ongoing with Laura Simpson

Has the Planner advised the Applicant that this application needs to be reviewed by the Huron County Stewardship Coordinator for comments on Natural Heritage matters.

Yes ☐ (submit a fee of \$216.00 made payable to the Treasurer, County of Huron) No ☒

26. Is the subject property the subject of a current application for consent or plan of subdivision under the **Planning Act**? If yes, please indicate file number:

40T-19001

Yes ☒ No ☐

Notes:

a) It is required that copies of this application be filed with the Secretary-Treasurer of the Committee of Adjustment, together with the plan referred to in Note 2, accommodated by a

fee of \$ 1544 in cash or by cheque made payable to the Treasurer of the

Municipality of Huron East

(name of municipality)

- b) *Each copy of this application must be accompanied by a plan showing the dimensions of the subject land and all abutting land; the location, size and type of all existing and proposed buildings and structures on the subject land indicating the distance of the buildings from the lot lines; approximate location of all natural and artificial features on the subject and adjacent lands; location, width and name of roads; location of easements; and use of adjacent lands. The Committee of Adjustment may require that the plan be signed by an Ontario Land Surveyor.*
- c) *Please be advised the responsibility for filing a complete application rests solely with the owner/applicant. Anything not requested or applied for in this application and subsequently found to be necessary (which may require another application(s) and fee(s)) are the sole responsibility of the owner/applicant. The County/Municipality will address only the application as applied for, and any items that are not included in the application are not the responsibility of the County/Municipality.*

All studies required to support this application shall be at the expense of the applicant and included at the time of submission as a complete application. Where the County/Municipality incurs costs for the peer review of any consultants' reports or fees for legal opinions, the County/Municipality will be reimbursed such costs by the applicant.

In the event of third-party appeals to applications approved by the County/Municipality, the applicant may be responsible for some or all of the legal and other costs incurred by the County/Municipality, at the discretion of the County/Municipality.

Application for Minor Variance
or for Permission

OWNER'S AUTHORIZATION

(This must be completed by the OWNER if the owner is not filing the application.)

I/We Pol Quality Homes, being the registered owner(s) of the subject lands,
hereby

authorize Baker Planning Group
to prepare and submit an application of Minor
Variance.

Signature of Owner

Date

June 21/21

APPLICANT'S DECLARATION

(This must be completed by the Person Filing the Application for the proposed development site.)

I, Caroline Baker of the City of Stratford
(Name of Applicant) (Name of Town, Township, etc.)

In the Region/County/District Perth solemnly declares that all of the statements
contained in this application and supporting documentation are true and complete, and I make this solemn
declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made
under oath, and by virtue of the "Canada Evidence Act."

DECLARED before me at:

Region/County/District

Perth

In the Municipality of

Stratford

Signature

This 24 day of June, 2021
(Day) (Month) (Year)

Caroline Baker
Please Print name of Applicant

Commissioner of Oaths

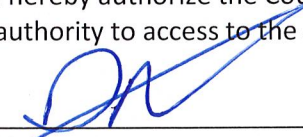
Jennifer Lynn Vosper, a Commissioner etc.,
Province of Ontario, for Monteith Ritsma Phillips
Professional Corporation
Barristers and Solicitors
Expires September 16, 2021.

OWNER/APPLICANT'S CONSENT DECLARATION

In accordance with the provisions of the Planning Act, it is the policy of the County Planning Department to provide the public access to all development applications and supporting documentation.

In submitting this development application and supporting documentation, I, Daryl Pol, the owner/the authorized applicant, hereby acknowledge the above-noted policy and provide my consent, in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, that the information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

I hereby authorize the County of Huron staff, Municipal staff and council members of the decision making authority to access to the subject site for purposes of evaluation of the subject application.


Signature

June 21/21
Date

OFFICE USE ONLY

CERTIFICATION

I, _____

For the _____

Of _____ in the _____ of _____

Certify that the above application is a true copy.

Dated this _____ day of _____, 20 _____

Signature _____

**COMPLETE THIS FORM TO DETERMINE IF
SEPTIC COMMENTS ARE REQUIRED
ON YOUR PLANNING APPLICATION**

For certain planning applications, comments are required from local municipal staff to assist the municipality in its decision on your application. This sheet will determine if comments are required from local staff, and if so, the appropriate fee* must be submitted with your application and paid to the local municipality (*based on the local municipality's Fee Schedule – consult with your Planner to determine).

Name of Applicant: Baker Planning Group

Name of Owner (if different from the applicant): Pol Quality Homes

Location of Property (Lot, Concession or Registered Plan, and Municipality):
Part of Lot 25, Concession 1, McKillop, Huron East

Type of Planning Application(s) submitted with this form:

- | | |
|---|---|
| <input type="radio"/> Consent (severance) | <input checked="" type="radio"/> Minor Variance |
| <input type="radio"/> Zoning By-Law Amendment | <input type="radio"/> Plan of Subdivision/Condominium |
| <input type="radio"/> Official Plan Amendment | |

Please answer Section A **OR** Section B, depending on the type of servicing available. In the following question, "property" means the subject property or, in the case of a severance, each of the resulting lots.

Section A – Where **SANATARY SEWERS** are available.

Is the property within 183 metres (600 feet) of an abattoir (slaughter house)? ☐ Yes ☒ No

Section B – Where **SEPTIC SYSTEMS** are required.

- | | | |
|--|---------------------------|--------------------------|
| 1. The application is for the creation of a new lot for which the primary use will be a new dwelling (other than a new dwelling on a farm). | <input type="radio"/> Yes | <input type="radio"/> No |
| 2. Is the property less than .4 hectares (1 acre) in area? | <input type="radio"/> Yes | <input type="radio"/> No |
| 3. Does the property have less than .2 hectares (1/2 acre) of "useable land" for a septic tank and tile bed? See definition of "useable land" below. | <input type="radio"/> Yes | <input type="radio"/> No |
| 4. I am uncertain of the location of the existing septic tank and tile bed on the property. | <input type="radio"/> Yes | <input type="radio"/> No |
| 5. There will be more than one dwelling unit on each lot. | <input type="radio"/> Yes | <input type="radio"/> No |
| 6. An industrial or commercial use is proposed which will require a septic system. | <input type="radio"/> Yes | <input type="radio"/> No |
| 7. Is the property with 183 metres (600 feet) of an abattoir (slaughter house)? | <input type="radio"/> Yes | <input type="radio"/> No |
| 8. The application is for a new Plan of Subdivision/Condominium | <input type="radio"/> Yes | <input type="radio"/> No |

Proceed to **Section C**

"Useable Land" means an area of land with suitable original soil for the installation of a Class 4 subsurface sewage disposal system, free of any buildings, structures swimming pools, etc. and such land is or will be used solely for a septic tank and tie bed and any future replacement of the tile bed, and which area is at least 3 metres (10 feet from any property line, at least 15 metres (15 feet) from a top-of-bank of a watercourse or lake, not located in a flood plain, not located in an environmentally sensitive area, and does not contain field tile or other artificial drainage. (Other restrictions may apply according to legislation.)

Caroline Baker



Name of Owner or Designated Agent

Signature and Date

To be completed by Municipal Clerk: Has the Septic Review Fee, made payable to the local municipality, been collected from the applicant?

**Please note type of application and file # on the cheque.*

Yes ☐ No ☐

Amount: _____

Name of Clerk-Treasurer

Signature and Date