

August 22nd, 2021

File No.: 2021-41

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

RE: Minor Variance Application
57 George Street, Seaforth (Municipality of Huron East)
Tripod Properties Inc.

On behalf of Tripod Properties Inc. ("Owner"), we are pleased to submit a Minor Variance Application for land known legally as 57 George Street East, in the Municipality of Huron East, County of Huron (herein referred to as the "Site"). The purpose of the Minor Variance is to request an increase in the maximum permitted lot coverage for the proposed development.

The Owner is proposing to demolish the existing single detached dwelling on the Site to construct a semi-detached building containing a total of two (2) dwelling units. The proposed dwelling units are one-storey in height and include an attached garage. Each unit will have a floor area of approximately 1300 square feet, plus the garage and porch. In addition to the garage, one exterior off-street parking space is proposed.

The Site is zoned "Residential Medium Density Zone (R2)" in the Huron East Zoning By-law and permits a maximum lot coverage of 40%. To provide one-storey dwelling units, an increase in the lot coverage is required to 47%.

Site Overview

The Site is located in a residential area that includes a range of low density uses, including single detached dwellings and converted dwellings. The existing built-form is generally street-oriented with buildings ranging between one (1) to two (2) storeys in height. The Site is within walking distance to the downtown area of Seaforth.

The Site is 754 square metres in size with 20.6 metres of frontage on George Street East. There is an existing two (2) storey dwelling on the Site that is currently a converted dwelling. To support the converted dwelling, there are two gravel driveways providing access to off-street parking spaces. The driveways are located on the eastern and western property boundaries. The landscaping is characterized as open space with a manicured front and rear lawn.

Planning Policy Framework

The Planning Act, R.S.O. 1990

The *Planning Act, R.S.O. 1990, CHAPTER P.13*, provides provincial legislation that "sets out the ground rules for land use planning in Ontario. It describes how land uses may be controlled, and who may control them." Section 2 of the Planning Act outlines the matters of provincial interest that the council of a

municipality, a planning board and the Local Planning Appeal Tribunal shall have regard to in carrying out their responsibilities under the Act. Section 2 h) states a matter of provincial interest is the “*orderly development of safe and healthy communities to ensure that any general provisions respect the health and safety of occupants*”. Further, Section 2 j) provides that it is in the provisional interest to provide “*a full range of housing, including affordable housing*”.

In our opinion, the Minor Variance Application has regard for matters of provincial interest as the proposed development will maintain the provision of two (2) dwelling units on the Site, while offering single floor living for those who seek to age in place. Matters related to privacy and overlook have been addressed through the proposal for a 1-storey dwelling and the compliance with required front, side and rear yard setbacks.

Provincial Policy Statement, 2020

The Provincial Policy Statement (“PPS”), 2020, is a province-wide policy document that provides the provincial policies on land use planning. It provides direction on land use planning issues that significantly impact communities and provides guidance in developing strong, healthy communities while encouraging paced growth for long-term prosperity. Through efficient land use management, the statement guides in creating efficient and resilient development plans that help create sustainable communities across the province.

The Minor Variance Application is consistent with the PPS as it:

- Promotes efficient development and land use patterns that utilize existing land within a settlement area that has access to services (Section 1.1.1 a and d)
- Maintaining a range of housing types in the community, including dwelling units that provide greater accessibility (Section 1.1.1 b and j; Section 1.4.3)
- Provides a sufficiently sized lot to accommodate supporting site functions (parking, amenity area) and maintain privacy (Section 1.1.1 c)

Municipality of Huron East Official Plan

The purpose of the Municipality of Huron East Official Plan (“OP”) is outlined in Section 2, stating that the plan contains policies adopted by Huron East “*assists the community in looking at the physical resources, the economic conditions, its ambitions and the effect of these on the future. The Plan then tries to marshal implementation forces such as public works, incentives, policy directions and legislation in an attempt to achieve a desired future.*”

The Site is designated as “Residential” on Schedule “B” of the OP. Section 6.5.3.1.3.1 of the OP permits residential uses within primary settlement areas, including but not limited to, duplexes and semi-detached dwellings. Huron East prioritizes residential intensification within primary settlement areas and recommends the following for increasing the net uses of residential units or accommodation (Section 6.5.3.1.1):

- Redevelopment, including the redevelopment of brownfield sites
- The development of vacant or underutilized lots within previously developed areas
- Infill development
- The conversion, expansion of existing residential dwellings or the establishment of new dwellings and accessory buildings to create second residential units and accessory apartments

The OP targets 20% of total residential development within primary settlement areas specific to residential intensification (Section 6.4.2.1). Intensification settlement areas are promoted by the Municipality based on the following guidelines (Section 6.4.2.2):

- Permitting existing small lots to be built on and allowing for increased density of development to efficiently use infrastructure provided that drainage issues can be appropriately addressed.
- Establishing minimum height requirements in downtown areas
- Permitting second residential units in primary settlement areas

The OP defines intensification approaches within primary settlement areas as "*redevelopment, infilling and expansions or conversion of existing buildings, including the establishment of second residential units*" (Section 6.4.2). This approach is to further intensify growth and development which complies with the Municipality's plan to encourage growth allocation in primary settlement areas, such as Seaforth, with the intent to meet the target of 65% allocated growth (Section 6.4.1).

Section 6.4.4 of the OP provides the framework for housing affordability and how the specified goals under 6.4.4.1 will further increase economic growth and social stability in Huron East:

- To encourage and facilitate the provision of a full range of housing forms and ownership/rental structures to meet the needs of current and future residents.
- To Encourage redevelopment and intensification of underutilized properties for residential purposes.
- To encourage new affordable rental housing to be located in primary settlement areas where residents can have greater access to services.

Section 6.4.4.3 of the OP aims to achieve affordable housing by the following policies:

- Increasing density through reduced lot or unit size
- Construction, redevelopment and renovation of a variety of dwelling typed including medium to high-density residential dwelling types, garden suites and second units
- Applying for government grants and/or subsidies, including identifying surplus municipal land holdings and land dedication
- Encouraging the establishment of second residential units and garden suites.

Municipality of Huron East Zoning By-law 52-2006

The Municipality of Huron East Zoning By-law, 52-2006 ("By-law") zones the Site as "Residential Medium Density Zone (R2)". Within the R2 Zone (Section 19.1), a semi-detached dwelling house is permitted and is defined under Section 2 as "shall mean a building that is completely divided into 2 dwelling units, one beside the other by a vertical party wall, each dwelling unit having independent entrance either directly from the outside or through a common vestibule (ZBLA 85-2009)".

The proposed development is considered a one-story, semi-detached dwelling house with two (2) dwelling units. Each unit has an independent entrance that is connected to the frontage of the building and has direct access to a porch.

The following table provides an outline of the applicable zoning regulations in relation to the Site (Section 19.5 of the Zoning By-law).

Table 1. Huron East Zoning By-law R2 Semi-Detached Dwellings Regulations

	Semi-Detached Zone Regulations	Proposed Development	Compliance
Lot Area Interior (minimum)	540 sq.m.	754 sq.m.	Yes
Lot Frontage (minimum)	10m/unit	20.6m	Yes
Lot Depth (minimum)	30m	36.6m	Yes
Front Yard Setback (minimum)	6m	6m	Yes
Side Yard Setback (minimum)	1.5m	2.5m	Yes
Rear Yard Setback (minimum)	8.0m	8.97m	Yes
Lot Coverage (maximum)	40%	47%	No
Landscaped Open Space (minimum)	30%	47.5%	Yes
Building Height (maximum)	11m	<11m	Yes
Off-Street Parking (minimum)	2/unit	2	Yes
Off-Street Parking Dimensions	5.5m by 2.7m	6.0 by 2.7m	Yes

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 the proposed Site will comply with all other provisions in the R2 Zone, including landscaped open space and building setbacks. The proposed development can accommodate the building, along with the required supporting site functions by increasing the lot coverage from 40% to 47%. Through the compliance

with building setbacks and the 1-storey building height, matters related to overlook and privacy are addressed. Aligning with the Zoning By-law, the Proposed Site provides the minimum off-street parking requirement with one space per dwelling unit through the installation of parking garages. The submitted grading and drainage plan appropriately addresses any concerns and ensures that all plumbing and drainage systems are protected from the proposed lot coverage increase. The proposed development represents an appropriate site design that complies with this residential area's character.

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

The proposed minor variance is desirable for the appropriate development as it will assist in providing a greater range of affordable housing to the housing market of Huron East, along with promoting residential intensification. On a city-wide basis, the proposed development facilitates the intent to provide a medium-density residential dwelling type, while still complying to the physical character of its surrounding. In our opinion, the minor increase is appropriate as it provides the ability to introduce a desired housing form to Seaforth.

The Site is located in a Primary Settlement Area that is zoned for residential uses and the proposed development is compatible with the immediate area. The Site is well located to accommodate 2 dwelling units, with convenient access to amenities along George Street which provides access to a range of amenities.

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

In our opinion, the application complies with the general intent of the Zoning By-law to encourage compatible residential development and affordable housing within the residential area of Seaforth. The proposed use is permitted, and the development complies with all provisions except the required maximum lot coverage.

The intent to require a specific maximum lot coverage for the property is to ensure that the appropriate site functions can accommodate the required building setbacks that maintain privacy and minimize overlook. As well, the increase in lot coverage will be able to accommodate to the required off-street parking spaces and provide sufficient landscaping and access to amenities that support the proposed residential units.

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.

Summary

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

- One (1) copy of the completed Minor Variance Application Form;
- The Lot Grading and Site Sketch; and,
- The applicable application fee, being \$1544.00.

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. Joe Dekroon, Tripod Properties Inc.

For office use only	File # _____
Received <u>Aug 23</u> , 20 <u>21</u>	
Considered Complete _____, 20 _____	

APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

390-DIS-00200

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).

1. Name of Owner Tripod Properties Inc.
 Telephone : _____ Email: mjdfarmsltd@gmail.com
 Address PO Box 1, Seaforth, NOK 1W0

2. 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.

3. Provide legal description and address of property.
 Ward: Seaforth
 Concession: _____ Lot: 117 Registered Plan #: 393
 911 Address and Road Name: 57 George St East

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:
CIBC Bank

5. Nature and extent of relief applied for:

1. To permit a maximum lot coverage of 47% for the lands zoned R2, whereas the by-law permits a maximum lot coverage of 40%

6. Why is it not possible to comply with the provisions of the by-law?

To provide accessible dwelling units, the owner is proposing a 1-storey semi-detached dwellings, which requires 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):

Seaforth
Ward: _____
Lot 117
Lot(s): _____ Concession: _____
Roll Number: _____ Registered Plan No.: _____
393
Minor-Variance-Application
911 Number & Road Name: _____

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: Municipal Road

10. Will this proposal result in adding or changing the location of any driveways/accesses/entrances?

Yes No

11. Dimensions of land affected:

See attached plan
Frontage: _____ Area: 754 sq.m
Depth: _____ Width of street: _____

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:

A two storey converted dwelling with an area of 306.62 sq.m, this building on the subject land is intended to be removed to accommodate the proposed development.

Proposed:

See attached Plan.

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

Existing:

Proposed:

See attached Plan.

14. Date of acquisition of subject land:

2016

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

>100 years

16. Existing uses of the subject property:

Residential

17. Existing uses of abutting properties:

Residential

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

>100 years

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

Water – Connected

Publicly Owned

Privately Owned

Communal Well

Lake

Sewage Disposal – Connected

Sanitary Sewers

Septic System

Privy

Storm Drainage – Connected

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:

Residential

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

R2

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

Yes No

If the answer is yes, describe briefly:

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: _____

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:

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)

*Paid
Aug 23/2021
C.A.*

- 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.

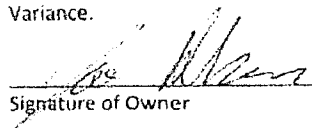
Application for Minor Variance
or for Permission

OWNER'S AUTHORIZATION

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

Tripod Properties Inc.
I/We _____, 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

APPLICANT'S DECLARATION

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

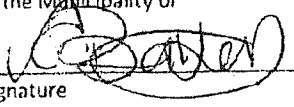
Caroline Baker City of Stratford
I, _____ of the _____
(Name of Applicant) (Name of Town, Township, etc.)

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: in the City of Stratford

Region/County/District of Huron

In the Municipality of Huron East, in accordance with O. Reg 431/20

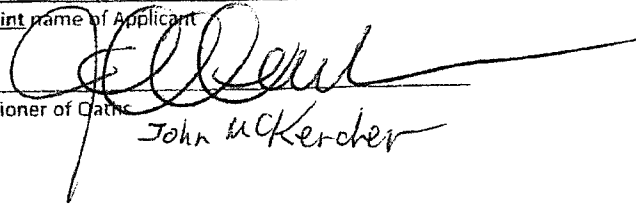


Signature

Administering Oath or Declaration
Remotely

This 20 day of August, 2021
(Day) (Month) (Year)

Caroline Baker
Please Print name of Applicant



Commissioner of Oaths
John McKercher

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, Caroline Baker, 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]

Signature

August 20, 2021

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): Tripod Properties Inc.

Location of Property (Lot, Concession or Registered Plan, and Municipality):
Lot 117, George Street, Seaforth, Huron East

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

- Consent (severance) Minor Variance
 Zoning By-Law Amendment Plan of Subdivision/Condominium
 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). Yes No
2. Is the property less than .4 hectares (1 acre) in area? Yes 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. Yes No
4. I am uncertain of the location of the existing septic tank and tile bed on the property. Yes No
5. There will be more than one dwelling unit on each lot. Yes No
6. An industrial or commercial use is proposed which will require a septic system. Yes No
7. Is the property with 183 metres (600 feet) of an abattoir (slaughter house)? Yes No
8. The application is for a new Plan of Subdivision/Condominium Yes 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

