



MUNICIPALITY OF HURON EAST
SPECIAL MEETING
TUESDAY, NOVEMBER 18th, 2014 – 7:00 P.M.
HURON EAST COUNCIL CHAMBERS

The purpose of the special meeting is to hold a public meeting to consider amendments to the Huron East Zoning By-Law 52-2006.

- 1. Call to Order – Adopt Agenda for Special Meeting**
- 2. Disclosure of Elected Officials – Pecuniary Interest**
- 3. Minor Variance Amendment Applications**

Note: The following provisions are contained in Ontario Regulation 545/06, Section 5(11) 5

- i. If a person or public body does not make oral submissions at a public meeting or make written submissions to the Municipality of Huron East before the by-law is passed, the person or public body is not entitled to appeal the decision of the Council of the Municipality of Huron East to the Ontario Municipal Board.
- ii. If a person or public body does not make oral submissions at a public meeting or make written submissions to the Municipality of Huron East before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal to the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

- 3 a) Committee of Adjustment application A01-2014 by Murray McDonald which affects south ½ of 290 Turnberry Street, Plan 192, East Part Lot 333, Brussels Ward. (encl.) (Pages 3-7)**

The proposed minor variance will provide relief from By-Law 52-2006 (Huron East Zoning By-Law) as follows:

To provide relief from Sections 3.2.2.3, Accessory Uses – Location; Section 3.6 Encroachment in Yards; and 18.4 Zone Regulations of the Huron East Zoning By-Law No. 52-2006, as amended, and to permit the following variances:

1. Rear yard setback from 1 metre to 0.52 metres to the lot line for an existing accessory structure (garage).
2. Exterior side yard setback from 6 metres to 1.83 metres for the existing dwelling from a municipal road.
3. Exterior side lot line from 1.5 metres to within 0.85 metres for the projection of an existing porch.

The adjustments are a condition of severance application B32/14 that a minor variance be obtained for the retained parcel to recognize any setback deficiencies caused by the legal lot frontage being changed from Queen Street to Turnberry Street.

Comments Received: Report from Senior Planner Claire Dodds dated November 13th, 2014. (encl.) (Pages 8-10)

- 3 b)** Committee of Adjustment application A02-2014 by Rein and Cheryl vanden Heuvel which affects 20 Main Street North, Lot 10, Plan 385, Seaforth Ward. (encl.) (Pages 11-15)

The proposed minor variance will provide relief from By-Law 52-2006 (Huron East Zoning By-Law), Section 19.5 to permit a reduced interior frontage for a semi-detached dwelling from 10m to 9.1 m per unit.

Comments Received: Report from Senior Planner Claire Dodds dated November 13th, 2014. (encl.) (Pages 16-18)

4. Close Special Meeting



THE CORPORATION OF THE MUNICIPALITY OF HURON EAST

NOTICE OF PUBLIC MEETING
PURSUANT TO SECTION 45 OF *THE PLANNING ACT*, R.S.O. 1990

MINOR VARIANCE APPLICATION FILE# A01-2014

LOCATION: south ½ of 290 Turnberry Street, Plan 192, East Part Lot 333
Brussels, Municipality of Huron East

APPLICANT/OWNER: Murray McDonald

ROLL NUMBER: south half of 4040440007013000000

TAKE NOTICE that the Municipality of Huron East Committee of Adjustment will hold a public meeting on: Tuesday, November 18th, 2014 at 7:00 p.m. in the Huron East Council Chambers at 72 Main Street South in Seaford, to consider a proposed minor variance under Section 45 of the Planning Act (RSO 1990), as described below and shown on the attached map.

BE ADVISED that the Council of the Corporation of the Municipality of Huron East considered this application to be complete on October 15, 2014.

PURPOSE AND EFFECT:

In July 2014 the County of Huron gave conditional approval to a severance application (file B32-2014) to sever a large residential lot at 290 Turnberry St, Brussels. The effect of the severance was the creation of a vacant infill residential lot. The subject property is zoned Residential Low Density (R1).

An existing house and garage are located on the south half of the property. Their construction pre-dates the current Zoning By-law. Both the severed and retained parcels must comply with the current Zoning By-law at the time the severance is finalized. While the vacant severed parcel complies, the house and garage on the retained parcel do not meet the setbacks in the current Zoning By-law. As such, a condition of the severance application is that a minor variance be obtained for the retained parcel to recognize any setback deficiencies caused by the legal lot frontage being changed from Queen Street to Turnberry Street.

No building is proposed as a result of this minor variance.

EXISTING ZONING BY-LAW PROVISIONS:

1. Section 3.2.2.3, Accessory Uses – Location, permits accessory building or uses shall be no closer than 1 metre to a lot line.
2. Section 3.6, Encroachment in Yards, permits a porch to project into an exterior side yard 1.5 metres including eaves and steps provided that no porch deck or patio extends closer than 1.5 metres to any lot line.
3. Section 18.4, Zone Regulations for Single Detached Dwellings, permits an exterior side yard of 6 metres from a municipal road.

PROPOSED MINOR VARIANCES:

To provide relief from Sections 3.2.2.3, Accessory Uses – Location; Section 3.6 Encroachment in Yards; and 18.4 Zone Regulations of the Huron East Zoning By-Law No. 52-2006, as amended and, to permit the following variances:

1. *Recognize a rear yard setback of 0.52m for an existing accessory structure (garage).*
2. *Recognize an exterior side yard setback of 1.83m for the existing dwelling.*
3. *Recognize the projection of an existing porch to within 0.85m of an exterior side lot line.*

PUBLIC HEARING - you are entitled to attend this public hearing in person to express your views about this application or you may be represented by counsel for that purpose. If you are aware of any person interested in or affected by this application who has not received a copy of this notice, you are requested to inform that person of this hearing. If you wish to make written comments on this application, they may be forwarded to the secretary-treasurer of the committee at the address shown below.

Please note that comments and opinions submitted on these matters, including the originator's name and address, become part of the public record and may be viewed by the general public and maybe published in a Planning Report, Council Agenda or Council Minutes.

FAILURE TO ATTEND - If you do not attend at the hearing, it may proceed in your absence and, except as otherwise provided in the Planning Act, you will not be entitled to any further notice in the proceedings.

NOTICE OF DECISION – If you wish to be notified of the decision of the Committee of Adjustment in respect of this application, you must submit a written request to the Committee of Adjustment. This will also entitle you to be advised of a possible Ontario Municipal Board hearing in the event the decision on this application is appealed.

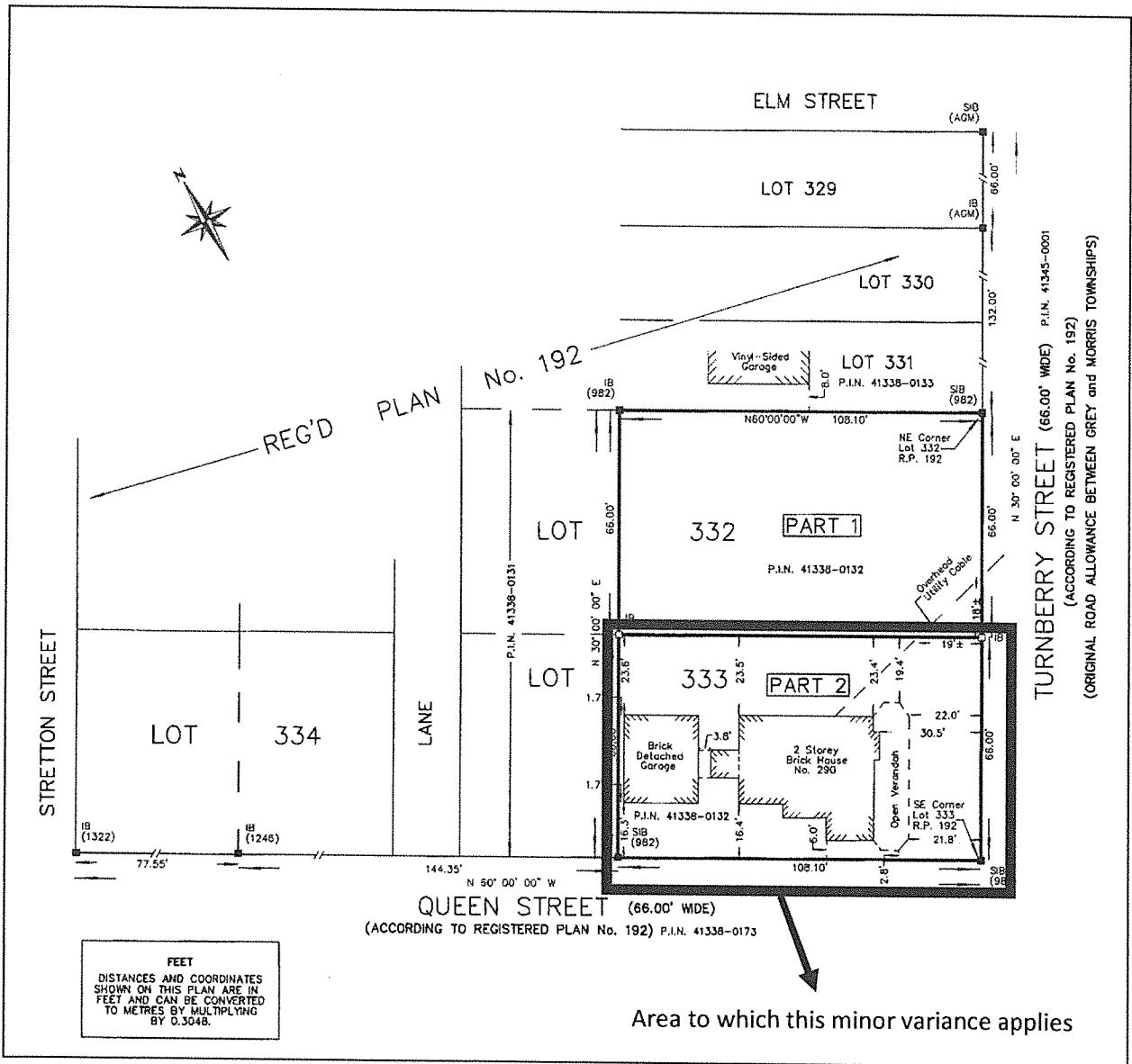
ADDITIONAL INFORMATION relating to the proposed minor variance is available for inspection between 8:30 a.m. and 4:30 p.m. at the Clerk's office.

DATED AT THE MUNICIPALITY OF HURON EAST THIS 6th DAY of November, 2014

Brad Knight, CAO/Clerk, Municipality of Huron East

72 Main Street South, PO Box 610, Seaforth, Ontario N0K 1W0 Phone: 519-527-0160 or Toll Free 1-888-868-7513

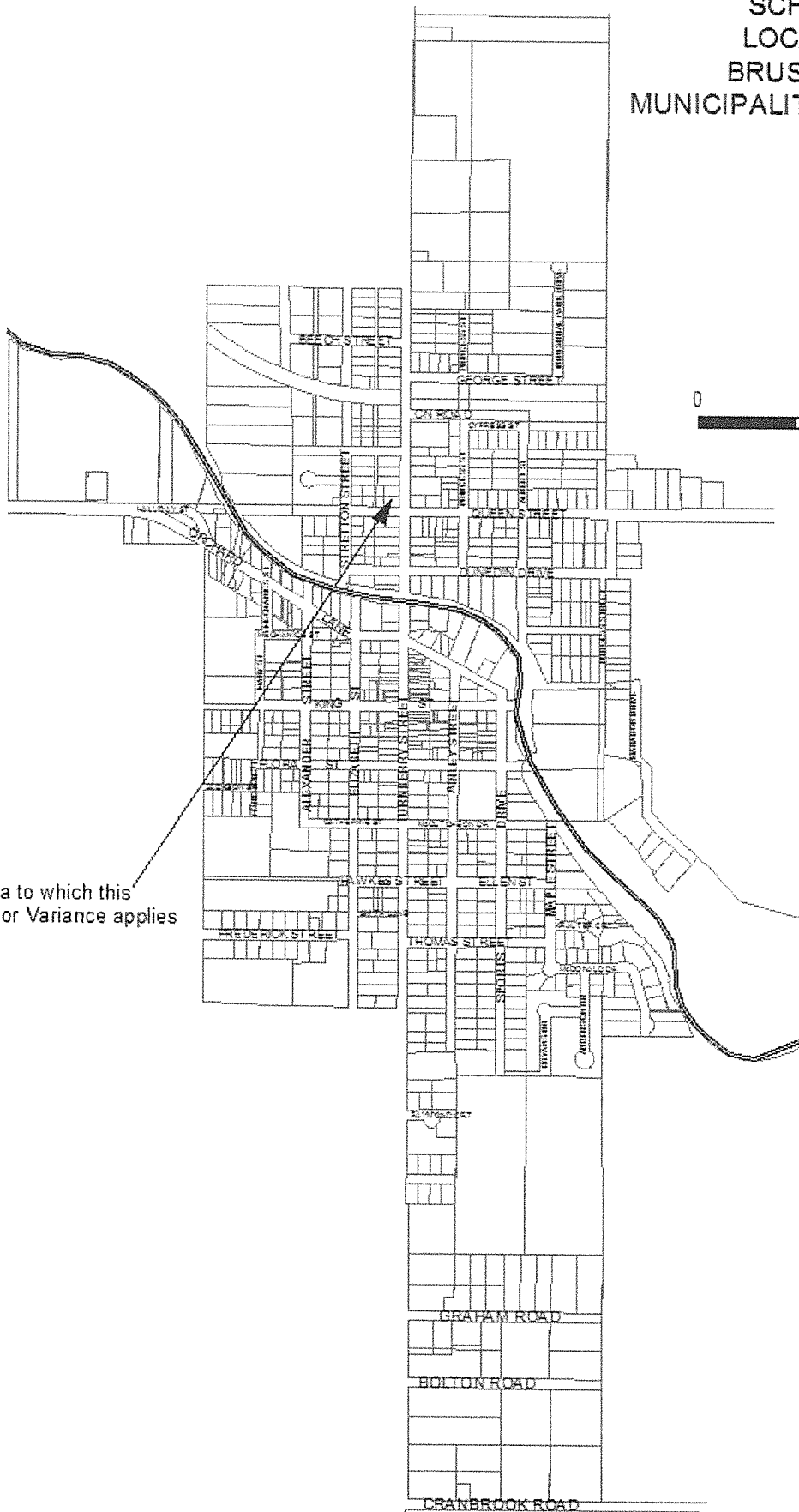
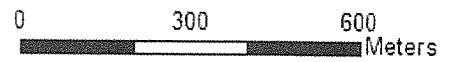
Excerpt of Survey for 290 Turnberry Street



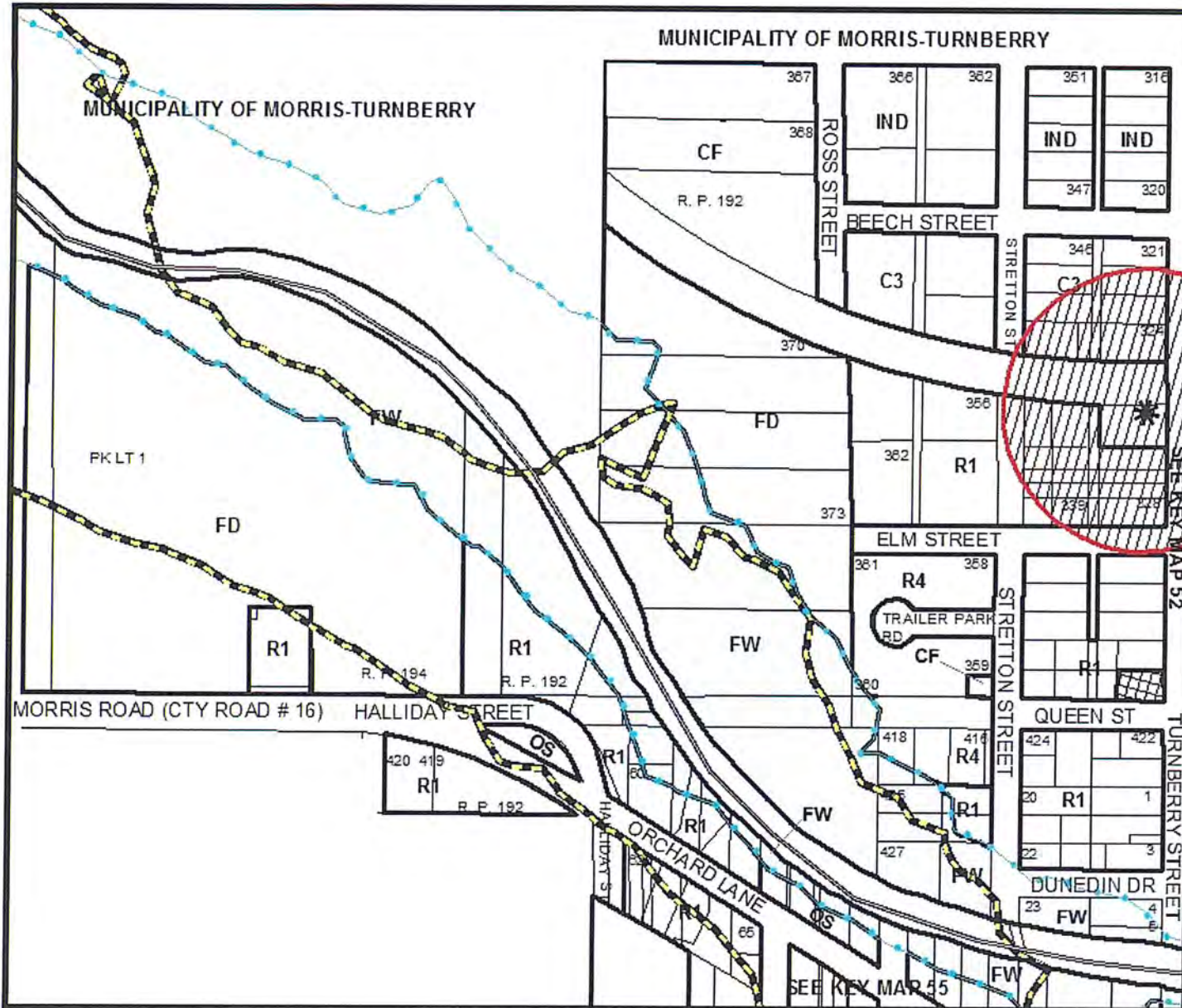
SCHEDULE "A"
LOCATION MAP
BRUSSELS WARD
MUNICIPALITY OF HURON EAST



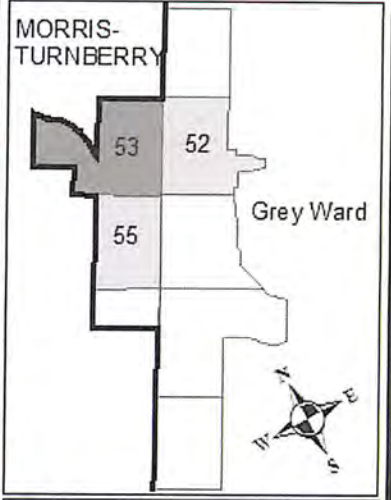
1:12,000



Area to which this
Minor Variance applies



**SCHEDULE 'A'
 KEY MAP 53
 HURON EAST
 BRUSSELS WARD**



- Zone
- Roads
- Floodway
- Floodway Zone
- * Municipal Well
- 2 Year Time of Travel (See section 3.50)
- Rivers
- Flood Fringe

Amendments

Amended by By-law 85-2009 (Adding the Identification of Municipal Wells and 2 year time of travel)

- Area to which Minor Variance Applies



1:4,000

REVISION
 DATE May 17, 2010



PLANNING & DEVELOPMENT

57 Napier Street, Goderich, Ontario N7A 1W2 CANADA

Phone: 519.524.8394 Ext. 3 Fax: 519.524.5677 Toll Free: 1.888.524.8394 Ext. 3

www.huroncounty.ca

To: Brad Knight, CAO/Clerk, Municipality of Huron East

From: Claire Dodds, Senior Planner

Date: November 13, 2014

Re: **Minor Variance A01/14**

South ½ of 290 Turnberry Street, Plan 192, East Part Lot 333 Brussels,
Municipality of Huron East

Applicant/Owner: Murray McDonald

RECOMMENDATION

The requested variances are considered to be minor, conforms to the intent of the Official Plan and Zoning By-law and represents appropriate planning for the subject site.

As such, I recommend minor variance application A01/14 be **approved**.

PURPOSE AND DESCRIPTION

In July 2014, the County of Huron gave conditional approval to a severance application (file B32-2014) to sever a large residential lot at 290 Turnberry St, Brussels. The effect of the severance was the creation of a vacant infill residential lot. The subject property is zoned Residential Low Density (R1).

An existing house and garage are located on the south half of the property. Their construction pre-dates the current Zoning By-law. Both the severed and retained parcels must comply with the current Zoning By-law at the time the severance is finalized. While the vacant severed parcel complies with the R1 zone provisions, the house and garage on the retained parcel do not meet the setbacks in the current Zoning By-law. As such, a condition of the severance application is that a minor variance be obtained for the retained parcel to recognize any setback deficiencies caused by the legal lot frontage being changed from Queen Street to Turnberry Street.

No building is proposed as a result of this minor variance.

PROPOSED VARIANCES

To provide relief from Sections 3.2.2.3, Accessory Uses – Location; Section 3.6 Encroachment in Yards; and 18.4 Zone Regulations of the Huron East Zoning By-Law No. 52-2006, as amended and, to permit the following variances:

1. Recognize a rear yard setback of 0.52m for an existing accessory structure (garage).
2. Recognize an exterior side yard setback of 1.83m for the existing dwelling.
3. Recognize the projection of an existing porch to within 0.85m of an exterior side lot line.

REVIEW

The Provincial Policy Statement and the Huron County Official Plan both promote opportunities for residential development located on full municipal services. The related severance application B32/2014, supported by the Municipality of Huron East and given conditional approval by the County of Huron has the impact of creating a residential infill lot that can efficiently utilize municipal services.

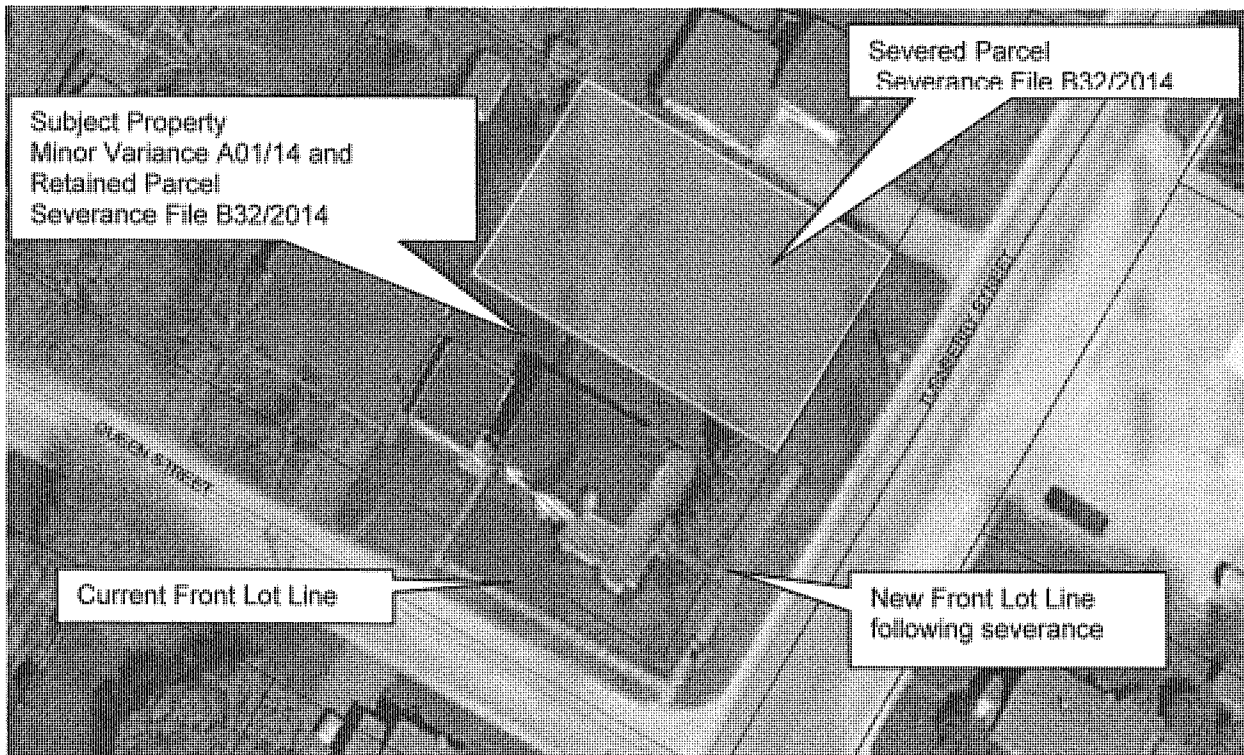
The Huron East Official Plan permits severances within urban settlements that have the effect of infilling existing built-up areas (s.12.3.3. ii.b). This severance has the effect of creating a vacant residential infill lot in an area of Brussels which has a mix of established residential and commercial properties.

The subject property has an existing single detached dwelling that was constructed dating back to 1890. The existing dwelling was constructed with setbacks that are currently considered legal non-complying, as the construction pre-dated the Huron East Zoning By-law.

The subject property is located at the intersection of Queen and Turnberry Streets in Brussels. As such, it is classified as a corner lot. For a corner lot, the Huron East Zoning By-law defines a front lot line as "the shorter lot line that abuts the street and the longer lot line that abuts the street or unopened road allowance shall be deemed the exterior side lot line".

Prior to the proposed severance, Queen Street was the front lot line as it was shorter than the lot line fronting on Turnberry Street. Once the severance takes place, the lot line along Turnberry Street will be split in two. For the retained parcel, Turnberry Street becomes the front lot line because it will be shorter than the lot line along Queen Street. Queen Street becomes the exterior side lot line.

Subject Property: South ½ of 290 Turnberry St., Brussels



Once the severance takes place the retained parcel loses its legal non-complying status, and with the change in how the definition of front lot line will be applied after the severance, three minor variances

are required for the retained parcel to recognize setback deficiencies caused by the legal lot frontage being changed from Queen Street to Turnberry Street.

The variances are required to recognize a rear yard setback of 0.52m for an existing garage, to recognize and exterior side yard setback of 1.83m for the existing dwelling, and to permit the existing porch to project to within 0.85m of the exterior side lot line. The retained parcel and the structures on it comply with all other provisions of the R1 zone in the Huron East Zoning By-law.

The variances proposed are considered minor and appropriate as the dwelling has been located with these setbacks for over 120 years. There is no new construction proposed that would further reduce the existing setbacks. New construction on the property would be required to comply with the current provisions of the R1 zone. The variances meet the intent of the Official Plan by way of facilitating the creation of a vacant residential infill lot in an area serviced by municipal water and sewer services. It meets the intent of the Zoning By-law by recognizing its legal non-complying status through a variance for the existing residential dwelling and accessory structure and by doing so it facilitates future sales of the subject property with clear title.

Based on the above review, the Department considers the application to be minor, appropriate and to maintain the intent of the Official Plan and Zoning By-law.

OTHERS CONSULTED

This report has been prepared in advance of the public meeting on November, 18, 2014. No other comments were received from any agencies or the public at the time this report was prepared. Any additional comments received will be presented verbally at the public meeting.

Sincerely,



Claire Dodds
Senior Planner, MCIP, RPP



THE CORPORATION OF THE MUNICIPALITY OF HURON EAST

NOTICE OF PUBLIC MEETING
PURSUANT TO SECTION 45 OF *THE PLANNING ACT*, R.S.O. 1990

MINOR VARIANCE APPLICATION FILE# A02-2014

LOCATION: 20 Main Street North, Lot 10, Plan 385,
Seaforth, Municipality of Huron East

APPLICANT/OWNER: Rein & Cheryl vanden Heuvel

ROLL NUMBER: 4040390011015000000

TAKE NOTICE that the Municipality of Huron East Committee of Adjustment will hold a public meeting on: Tuesday, November 18th, 2014 at 7:00 p.m. in the Huron East Council Chambers at 72 Main Street South in Seaforth, to consider a proposed minor variance under Section 45 of the Planning Act (RSO 1990), as described below and shown on the attached map.

BE ADVISED that the Council of the Corporation of the Municipality of Huron East considered this application to be complete on October 29, 2014.

PURPOSE AND EFFECT:

The subject property is zoned Residential Medium Density (R2). The R2 zone permits the construction of semi-detached dwellings. The applicants' intent is to construct a semi-detached dwelling on the property they own at 20 Main Street North, Seaforth.

The total frontage of the lot is 18.228m. The R2 provisions of the Huron East Zoning By-law (52-2006, as amended) requires each unit in a semi-detached dwelling to have an interior frontage of 10m. The applicants are applying for relief from this Zoning By-law provision to permit the construction of a semi-detached dwelling with an interior frontage of 9.1m per unit.

The subject property complies with all other provisions of the R2 zone for the construction of a semi-detached dwelling.

EXISTING ZONING BY-LAW PROVISIONS:

Section 19.5 of Huron East Zoning By-law 52-2006 requires each unit of a semi-detached dwelling to have a minimum interior lot frontage of 10m.

PROPOSED MINOR VARIANCE:

To provide relief from the Huron East Zoning By-Law No. 52-2006, as amended, Section 19.5 Interior Lot Frontage, to permit the following variance:

1. *Reduce the interior frontage for a semi-detached dwelling from 10m to 9.1m per unit.*

PUBLIC HEARING - you are entitled to attend this public hearing in person to express your views about this application or you may be represented by counsel for that purpose. If you are aware of any person interested in or affected by this application who has not received a copy of this notice, you are requested to inform that person of this hearing. If you wish to make written comments on this application, they may be forwarded to the secretary-treasurer of the committee at the address shown below.

Please note that comments and opinions submitted on these matters, including the originator's name and address, become part of the public record and may be viewed by the general public and maybe published in a Planning Report, Council Agenda or Council Minutes.

FAILURE TO ATTEND - If you do not attend at the hearing, it may proceed in your absence and, except as otherwise provided in the Planning Act, you will not be entitled to any further notice in the proceedings.

NOTICE OF DECISION – If you wish to be notified of the decision of the Committee of Adjustment in respect of this application, you must submit a written request to the Committee of Adjustment. This will also entitle you to be advised of a possible Ontario Municipal Board hearing in the event the decision on this application is appealed.

ADDITIONAL INFORMATION relating to the proposed minor variance is available for inspection between 8:30 a.m. and 4:30 p.m. at the Clerk's office.

DATED AT THE MUNICIPALITY OF HURON EAST THIS 6th DAY of November, 2014

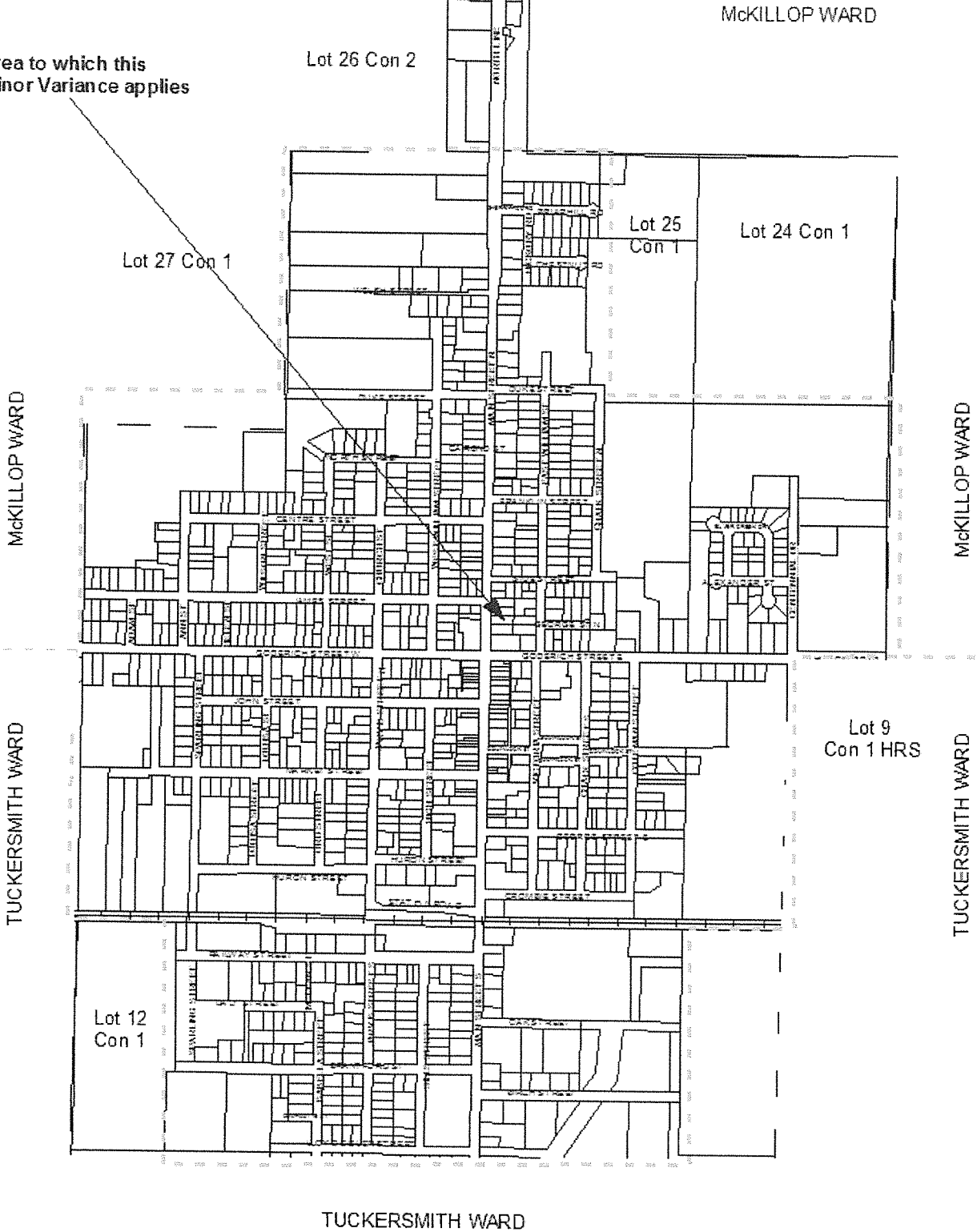
Brad Knight, CAO/Clerk, Municipality of Huron East

72 Main Street South, PO Box 610, Seaforth, Ontario N0K 1W0
Phone: 519-527-0160 or Toll Free 1-888-868-7513

SCHEDULE 'A'
LOCATION MAP
MUNICIPALITY OF HURON EAST
(SEAFORTH WARD)

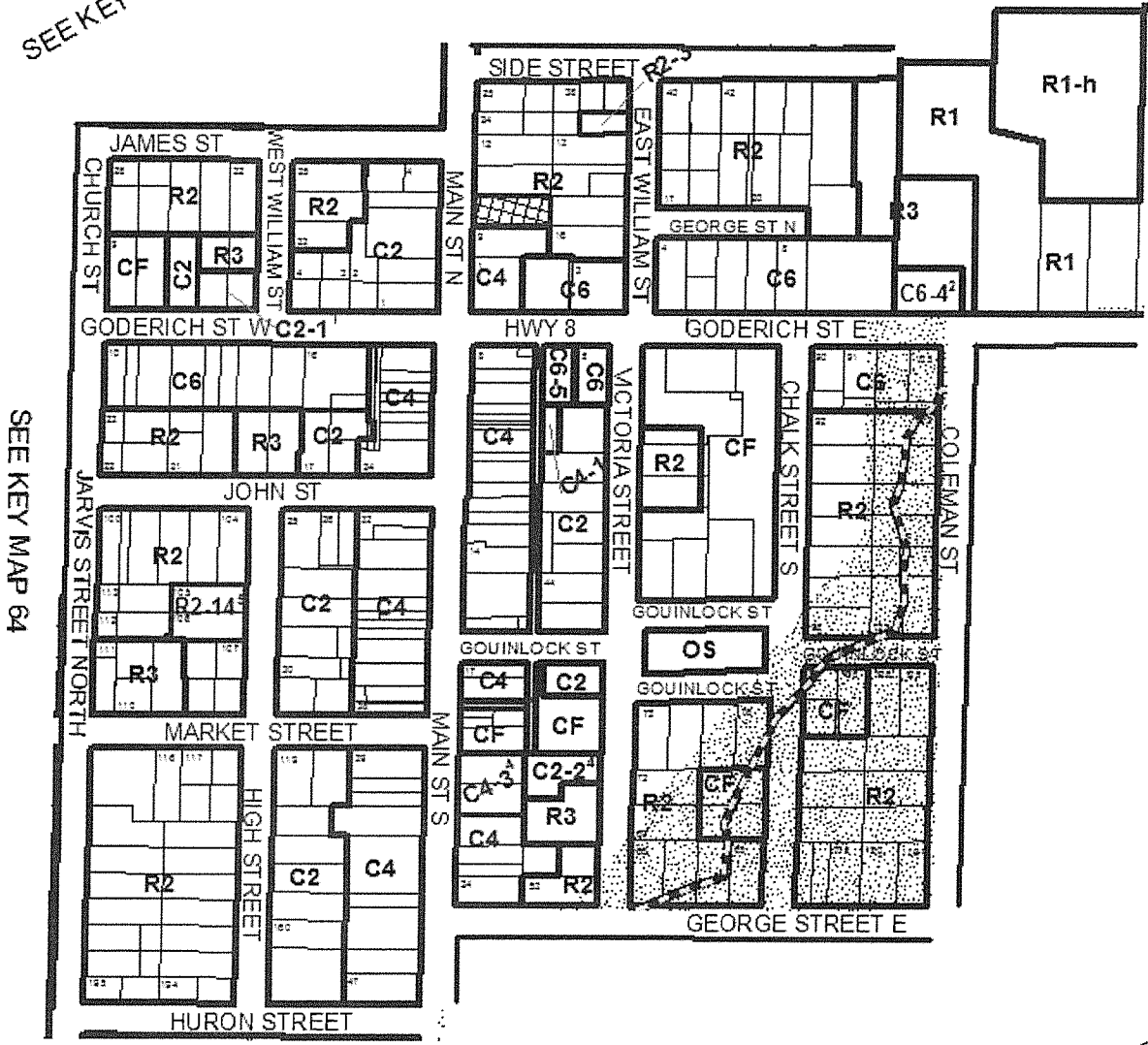


Area to which this
Minor Variance applies



SEE KEY MAP 63

SEE KEY MAP 62



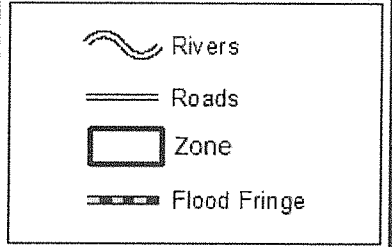
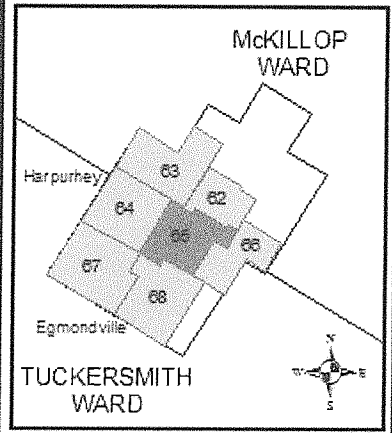
SEE KEY MAP 64

SEE KEY MAP 66

SEE KEY MAP 68

SEE KEY MAP 69

SCHEDULE 'A'
KEY MAP 65
HURON EAST
 SEAFORTH WARD



Amendments

- 1 Amended by By-law 11-2009
- 2 Amended by By-law 81-2009
- 3 Amended by By-law 85-2009
- 4 Amended by By-law 69-2010
- 5 Amended by By-law 78-2012

Area to which this Minor Variance applies

REVISION DATE
January 15, 2013



1:4,000

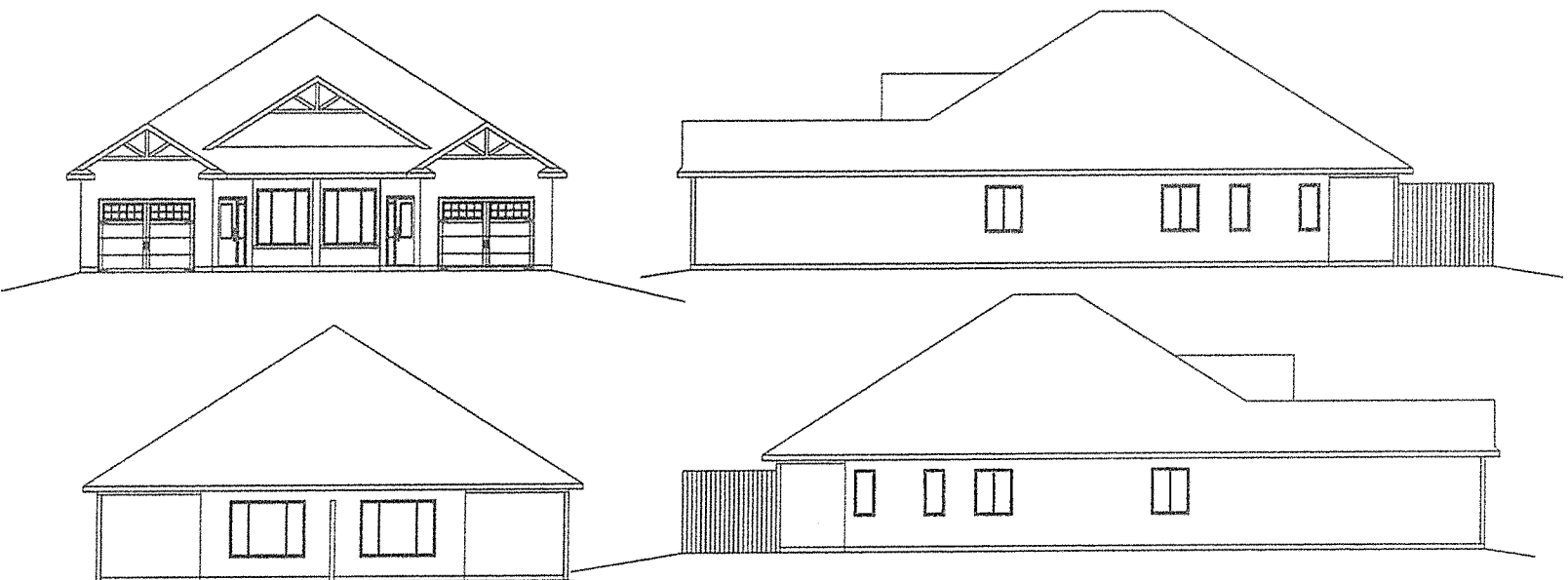
APPLICANT: Rein & Cheryl vanden Heuvel

MINOR VARIANCE FILE A02-2014
 ROLL NUMBER: 4040390011015000000

APPLICANT: Rein & Cheryl vanden Heuvel

MINOR VARIANCE FILE A02-2014
ROLL NUMBER: 4040390011015000000

Elevation Drawings of Proposed Semi-detached Dwelling



See Minor Variance Sketch, dated September 20, 2014 prepared by D.Culbert Ltd., OLS



PLANNING & DEVELOPMENT

57 Napier Street, Goderich, Ontario N7A 1W2 CANADA

Phone: 519.524.8394 Ext. 3 Fax: 519.524.5677 Toll Free: 1.888.524.8394 Ext. 3

www.huroncounty.ca

To: Brad Knight, CAO/Clerk, Municipality of Huron East
From: Claire Dodds, Senior Planner
Date: November 13, 2014

Re: **Minor Variance A02/14**
20 Main Street North, Lot 10, Plan 385, Seaforth, Municipality of Huron East

Applicants/Owners: Rein & Cheryl Vanden Heuvel

RECOMMENDATION

The requested variance is considered to be minor, conforms to the intent of the Official Plan and Zoning By-law and represents appropriate planning for the subject site.

As such, I recommend minor variance application A02/14 be **approved** subject to the following condition:

1. A lot grading and drainage plan be prepared to the satisfaction of the Chief Building Official of the Municipality of Huron East.

PURPOSE AND DESCRIPTION

The subject property is zoned Residential Medium Density (R2). The R2 zone permits the construction of semi-detached dwellings. The applicants' intent is to construct a semi-detached dwelling on the property they own at 20 Main Street North, Seaforth.

The total frontage of the lot is 18.228m. The R2 provisions of the Huron East Zoning By-law (52-2006, as amended) requires each unit in a semi-detached dwelling to have an interior frontage of 10m. The applicants are applying for relief from this Zoning By-law provision to permit the construction of a semi-detached dwelling with an interior frontage of 9.1m per unit.

The subject property complies with all other provisions of the R2 zone for the construction of a semi-detached dwelling.

PROPOSED VARIANCE

To provide relief from the Huron East Zoning By-Law No. 52-2006, as amended, Section 19.5 Interior Lot Frontage, to permit the following variance:

1. Reduce the interior frontage for a semi-detached dwelling from 10m to 9.1m per unit.

REVIEW

The subject property is designated *Residential* on the Seaforth Ward Schedule B Map of the Huron East Official Plan and zoned *Residential - Medium Density (R2)* in the Huron East Zoning By-law.

The subject property is an existing lot of record that currently contains a single detached dwelling. The owners propose to remove the existing single detached dwelling and construct a semi-detached dwelling, containing two ground floor oriented rental apartment units. The subject property is the first house located north along Main Street outside of the Commercial Designation and Heritage District. There is a single detached dwelling on the north side of the subject property. An accountant is located in the commercial building to the south of the subject property and JL McLauchlin Ltd car dealership is located across Main Street.

The R2 zoning on the property permits a range of residential structures including single detached, semi-detached, triplex, quadruplex and multiple attached dwelling, subject to meeting the zone provisions. The owners are proposing a ground floor oriented semi-detached dwelling to provide rental housing geared to seniors.

The Huron East Official Plan permits medium density residential development in proximity to the Core Commercial Designation and directs that this type of housing shall have a low building profile in relation to the residential area and their design; all parking be off-street; and the siting, design, colouration of buildings blend in with the surrounding residential area. The proposed development meets all of the criteria established in the Official Plan. The location of the proposed development also assists in supporting the multi-functional nature of the Seaforth Core Commercial area by promoting a healthy mix of residential development in proximity to downtown. Having people live near the core promotes pedestrian traffic which in turn supports local businesses.

The Huron East Zoning By-law requires each unit of a semi-detached dwelling to have a minimum frontage of 10m. The total subject property has a frontage of 18.2m, and each unit is proposed to have a frontage of 9.1m. The variance to permit a 0.8m reduction in frontage for each unit is considered minor as the proposed residential use is able to accommodate off-street parking in front of each unit and maintain the required 1.5m side yard requirements. The proposed semi-detached dwelling is able to meet all other provisions of the R2 zone for semi-detached dwellings.

As a matter of standard practice for residential infill developments, it is recommended a lot grading and drainage plan be submitted to the satisfaction of the Chief Building Official as a condition of this approval. The lot grading and drainage plan will be reviewed in advance of the issuance of a building permit for the subject property.

Based on the above review, the Department considers the application to be minor, appropriate and to maintain the intent of the Official Plan and Zoning By-law.

OTHERS CONSULTED

This report has been prepared in advance of the public meeting on November, 18, 2014. No other comments were received from any agencies or the public at the time this report was prepared. Any additional comments received will be presented verbally at the public meeting.

Sincerely,



Claire Dodds, Senior Planner, MCIP, RPP

Elevation Drawings of Proposed Semi-detached Dwelling

