



**TOWN OF MINTO**

**DATE:** August 17<sup>th</sup>, 2021  
**TO:** Mayor Bridge and Members of Council  
**FROM:** Ashley Sawyer, Planning Technician/Administrative Assistant  
**RE:** **Minor Variance**  
MV 2021-12 – Dan & Natasha Sinclair  
485 Main St E  
Concession 1, Part Lot 19

**RECOMMENDATION**

THAT the Committee of Adjustment receives the Planning Technician’s report regarding proposed Minor Variance MV 2021-12 – Dan & Natasha Sinclair for property legally described as Concession 1, Part Lot 19, in the former Town of Palmerston, with a municipal address of 485 Main St E in the Town of Minto.

**BACKGROUND**

The subject property for the proposed Minor Variance is located in Palmerston with a municipal address of 485 Main St E in the Town of Minto. The subject property is legally described as Concession 1, Part Lot 19, in the former Town of Palmerston. The property is +/- 1.96 ac (+/- 0.79 ha) in size and currently has an existing single-detached dwelling on it. The property is currently zoned by the Town of Minto’s Comprehensive Zoning By-law 01-86, as amended, as Highway Commercial (C2) and is designated in the County of Wellington’s Official Plan as Highway Commercial. The subject property is located within the urban boundary of Palmerston.

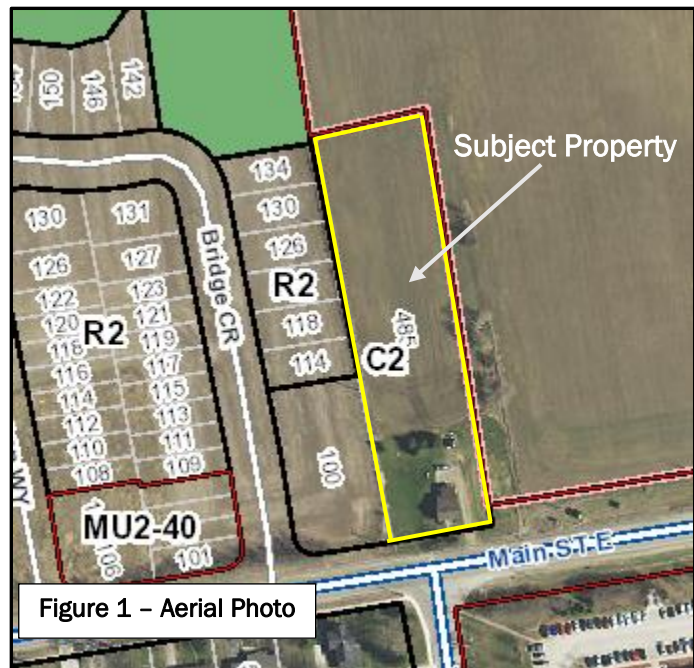
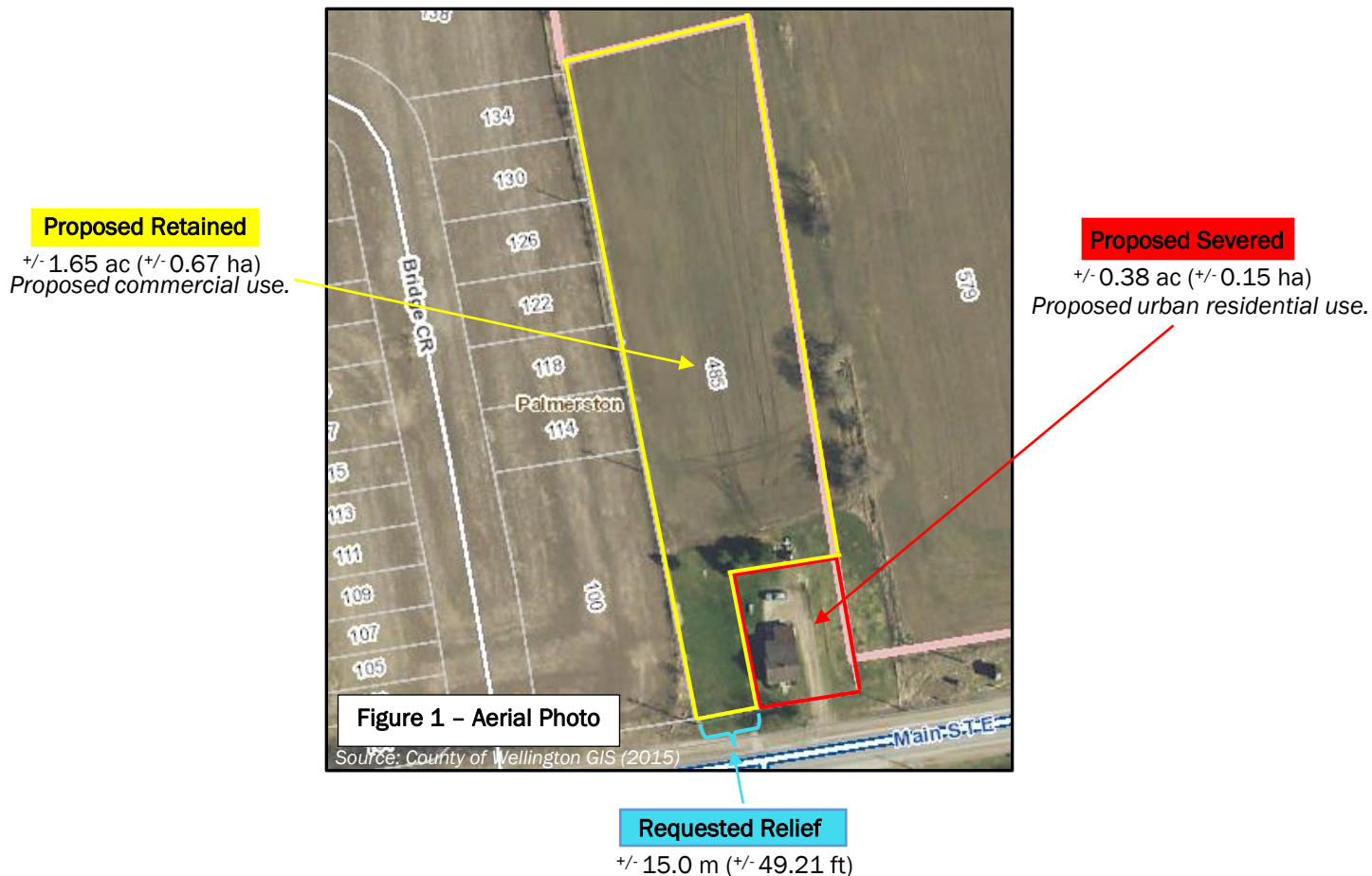


Figure 1 – Aerial Photo

**PURPOSE**

The purpose of this application is to provide relief from Section 17.2 of the Town of Minto’s Comprehensive Zoning By-law 01-86, as amended. Section 17.2 requires a minimum lot frontage of 18.0 m (59.0 ft) whereas the applicant is proposing a reduced lot frontage to 15.0 m (49.21 ft). This reduced lot frontage is to facilitate the owner’s Consent application B45/21 that is concurrently being considered before the County of Wellington Land Division Committee. This zoning compliance will be required as a condition of the Consent application.



Initially, a potential purchaser of the property was looking to demolish the existing single-detached dwelling and develop the property solely into commercial. Due to the existing County Official Plan designation and the Town of Minto’s zoning, this would be permitted without applying for a Minor Variance or Severance. However, the owner has decided to retain the existing house and sever the remainder of the land to be used commercially. Ultimately, the new proposed plan will reduce the scale of commercial development on the property. The owner has stated that their intent is to finish renovating the existing home and to sell it as a single-detached dwelling, and the property will remain designated and zoned as Highway Commercial with a legal non-conforming use status.

**Wellington County Official Plan**

The subject property is designated Highway Commercial in Wellington County’s Official Plan and is located within the Urban Centre of Palmerston.

Section 13.7 of the Official Plan provides consideration for Minor Variances provided the general intent of the Official Plan and Zoning By-law are maintained and the variance is minor and desirable for the appropriate development of the land. Consideration is given as to whether compliance with the By-law would be unreasonable, undesirable or would pose undue hardship on the applicant.

### Town of Minto Zoning By-law

The subject property is zoned Highway Commercial (C2) which permits for the construction of a variety of commercial uses, included but not limited to, convenience stores, retail stores, business offices, public buildings, restaurants, and sales/service establishments. The existing zoning provisions regulate the lot area, lot frontage, lot coverage, setbacks, and the maximum building height requirements. For this property the maximum building height is 12.5 m (41.0 ft) which is equivalent to approximately 3 stories. The zoning provisions also outline parking, loading, buffering, garbage storage and display/storage requirements in Section 6. Section 6.3 outlines the requirements of a buffer area and states that “where a lot is within a Commercial or Industrial zone and the interior side and/or rear lot line, or portion thereof abuts any Residential, Institutional Zone or Open Space Zone then a buffer area shall be provided.” The buffer area must have a minimum width throughout of not less than 1.5 m (5.0 ft) with a minimum height of 1.8 m (5.9 ft) and shall be in addition to any other yard requirement. The buffer area cannot include parking spaces, buildings or structures and can only be used for the placement of trees, shrubs, similar vegetation, fencing and landscaping features.

Currently, the Town has not seen any development plans for the property. It should be noted that the property will be required to obtain Site Plan Approval to the satisfaction of the Town, the County, and the Town’s engineering consultants at Triton Engineering prior to Building Permit issuance. At the Site Plan stage, the technical details (including, but not limited to, lot grading, drainage, site functionality, parking, buffer areas, etc.) of the development will be outlined and will be required to adhere to the zoning provisions unless a Minor Variance or Zoning By-law Amendment is applied for, at which time neighbouring property owners within the required distance set out in the *Planning Act* would be notified. Based on the application provided the only relief being requested is for the lot frontage reduction from the required 18.0 m (59.0 ft) to 15.0 m (49.21 ft).

	Required	Proposed	Difference
<b>Lot Frontage – Corner Lot Minimum Section 17.2.2</b>	18.0 m (59.0 ft)	15.0 m (49.21 ft)	<b>3.0 m (9.8 ft)</b>

**Figure 2 – Requested Relief**

When the Committee is considering a Minor Variance application, Section 45(1) of the *Planning Act* must be applied to determine if the Minor Variance should be approved. The four tests are as follows:

- 1) Is the application minor in nature?
- 2) Is it desirable for the appropriate development or use of the land, building, or structure?
- 3) Is it in keeping with the general intent and purpose of the Zoning By-law?
- 4) Is it in keeping with the general intent and purpose of the Official Plan?

Town staff are satisfied that the application is minor in nature, would be desirable and appropriate for the development of the subject property, and maintains the general intent and purpose of the Official Plan and Zoning By-law.

### **COMMENTS**

Town Staff, Wellington County's Planning Department, Maitland Valley Conservation Authority, as well as other agencies required by the *Planning Act* have been circulated the application for review and the following comments were received.

#### **Wellington County's Planning Department**

The County has reviewed the application based on the matters of County interest only. They have indicated their understanding of the relief being requested and have noted that the subject property is designated Highway Commercial in the Urban Centre of Palmerston in the County Official Plan. Planning staff have no concerns or comments as it relates to matters of County interest.

#### **Wellington County's Roads Department**

The County's Roads Department were circulated the application for their comments/concerns and have noted that they have no objections with the proposed Minor Variance. As a condition of approval for B45/21, appropriate access to the severed/retained parcels must be confirmed by the road authority with jurisdiction, which for this property is the County. Access conditions will be addressed at that stage.

#### **Wellington Source Water Protection**

Wellington Source Water Protection reviewed the Source Water Protection Screening Form for the proposed Minor Variance and Severance on the property and have indicated that the proposed use will not create a significant drinking water threat at this time. As the owner does not yet know who the tenants of the proposed commercial space will be, it was determined that a Risk Management Plan (RMP) under Section 57 and/or Section 58 does not currently apply. Additionally, depending on the future tenant(s) of the building(s) a RMP may not be required. A notice was issued under Section 59 of the *Clean Water Act* as commercial property requires it.

#### **Maitland Valley Conservation Authority**

Maitland Valley Conservation Authority (MVCA) has reviewed the application and have no concerns regarding the proposed development. The lands in question are outside of the floodplain hazard or regulated areas.

#### **Town of Minto Staff**

Town staff are satisfied that the application maintains the general intent and purpose of the Official Plan and Zoning By-law and would be desirable and appropriate for the development of the subject property. Town staff have no concerns with the proposed development as it is in conformance with the existing County of Wellington Official Plan designation and Town of Minto zoning. The application will require a Site Plan Agreement be signed between the developer and the Town of Minto, once technical details and design are to the satisfaction of the Town, our engineering firm Triton Engineering and the County of Wellington. The developer

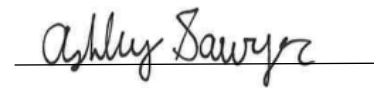
is a local, reputable and experienced developer who has built many developments in the community.

No additional comments or concerns were raised by Town staff or by external agencies. Wellington County Planning Department's comments are attached for your review.

Three neighbouring property owners have submitted a request to participate in the Public Hearing. No additional requests to speak at the meeting or written submissions were received from the surrounding property owners prior to the submission of this report.

### **STRATEGIC PLAN**

Ensure growth and development in Clifford, Palmerston and Harriston makes cost effective and efficient use of municipal services, and development in rural and urban areas is well planned, reflects community interests, is attractive in design and layout, and is consistent with applicable County and Provincial Policies.

A handwritten signature in cursive script that reads "Ashley Sawyer". The signature is written in black ink and is positioned above a horizontal line.

Ashley Sawyer  
Planning Technician/Administrative Assistant