



Agenda
Committee of Adjustment Meeting

Wednesday, March 3, 2021, 6:00 p.m.
Chair and Secretary-Treasurer Participating Remotely
The Corporation of the Town of Orangeville

NOTICE

Due to efforts to contain the spread of COVID-19, the Council Chambers at Town Hall will not be open to the public to attend Committee of Adjustment meetings until further notice.

Prior to the meeting, written comments may be sent to the Secretary-Treasurer of the Committee of Adjustment by email at ckhan@orangeville.ca. Such written comments will become part of the public record.

Members of the public may access the meeting on the above-noted date and time by telephone at:

(289) 801-5774

Conference ID: 467 571 157#

Please note that your full name and comments will be part of the public record and will be included in the minutes of the meeting.

Accessibility Accommodations

If you require access to information in an alternate format, please contact the Clerk's division by phone at 519-941-0440 x 2256 or via email at clerksdept@orangeville.ca

-
1. **Call to Order**
 2. **Disclosures of (Direct or Indirect) Pecuniary Interest**
 3. **Adoption of Minutes of Previous Meeting**
Recommendations:
That the minutes of the following meeting are approved:
 - 3.1. **2021-02-03 Committee of Adjustment Minutes**
 4. **Statutory Public Hearing**

4.1. File No. A-03/21- 76-78 Centennial Road

In the matter of an application by 76-78 Centennial Development Corporation for a minor variance to Zoning By-law 22-90, as amended, on property described as Dufferin Condo Plan 12, municipally known as 76-78 Centennial Road in the Town of Orangeville, in the County of Dufferin, under the provisions of Section 45 of the Planning Act, R.S.O. 1990, c. P.13, as amended. The subject property is zoned “General Industrial (M1) Zone”.

Explanatory Note:

The applicant is requesting a minor variance to permit 10% of the floor area of a caterer’s establishment to be used for takeout at 76 Centennial Road, Unit 3.

- 4.1.1. A report from L. Russell, Senior Planner, Infrastructure Services, dated March 3, 2021.
- 4.1.2. A report from J. Lackey, Manager of Transportation & Development, Infrastructure Services, dated February 23, 2021.

4.2. File No. A-04/21 - 111 Biscayne Crescent

In the matter of an application by David Creglia – 2142560 Ontario Limited for a minor variance to Zoning By-law 22-90, as amended, on property described as Lot 120, Registered Plan 7M-11, municipally known as 111 Biscayne Crescent, in the Town of Orangeville, in the County of Dufferin, under the provisions of Section 45 of the Planning Act, R.S.O. 1990, c. P.13, as amended. The subject property is zoned “Residential Sixth Density (R6) Zone”.

Explanatory note:

The applicant is requesting a minor variance to reduce the parking requirement from three (3) spaces to two (2) spaces for a single detached dwelling with an accessory apartment.

- 4.2.1. A report from L. Russell, Senior Planner, Infrastructure Services, dated March 3, 2021.
- 4.2.2. A report from J. Lackey, Manager of Transportation & Development, Infrastructure Services, dated February 23, 2021.

4.3. File No. B-02/21 - 100 Fifth Avenue

In the matter of an application by Fiera Real Estate Core Fund LP, by its general partner Fiera Real Estate Core Fund GP Inc. for consent to lease a parcel of land municipally known as 100 Fifth Avenue, in the Town of Orangeville, in the County of Dufferin, under the provisions of Section 50(3) of the Planning Act, R.S.O. 1990, Chapter P.13, as amended. The subject property is zoned “General Commercial (C1) Zone, S.P. 24.83.”

Explanatory note:

The applicant is applying for permission to lease a parcel of land to TIMWEN Partnership and Wendy’s Restaurants of Canada Inc. for a period in excess of 21 years in order to comply with Section 50(3) of the Planning Act. The lease will permit Tim Hortons/Wendy’s to use a 537 square metre building on the subject lands. The subject lands are located at the corner of Highway 10 and Fifth Avenue.

4.3.1. A report from B. Ward, Manager of Planning, Infrastructure Services, dated March 3, 2021.

4.3.2. A report from J. Lackey, Manager of Transportation & Development, Infrastructure Services, dated February 23, 2021.

5. Items for Discussion

6. Correspondence

7. New Business

8. Date of Next Meeting

The next meeting is scheduled for April 7, 2021 at 6:00 p.m.

9. Adjournment



Minutes of a Committee of Adjustment Meeting

Electronic Participation

February 3, 2021, 6:00 p.m.

Chair and Secretary-Treasurer Participating Remotely The Corporation of the Town of Orangeville

Members Present: Rita Baldassara
Grant Bennington
Jason Bertrand
Alan Howe
Hiedi Murray, Chair

Staff Present: L. Russell, Senior Planner
B. Ward, Manager, Planning
C. Khan, Secretary-Treasurer

1. Call to Order

The meeting was called to order at 6:00 p.m.

2. Disclosures of (Direct or Indirect) Pecuniary Interest

None

3. Adoption of Minutes of Previous Meeting

Recommendation: 2021-001

Moved by Alan Howe

That the minutes of the following meeting are approved:

2020-12-02 Committee of Adjustment Minutes

Carried

4. Statutory Public Hearing

4.1 File No. A-01/21 - 18 Young Court

The Chair asked if anyone wished to speak in favour of the application. Ilya Rastorguev (Applicant) identified himself as present. Natalia Filipova (Agent) explained that there had been previous approved minor variance requests for the property and are now seeking to do more renovations.

The Chair asked if anyone wished to speak in opposition of the application. No comments made.

Recommendation: 2021-002

Moved by Jason Bertrand

That the following reports and correspondence be received:

- A report from L. Russell, Senior Planner, Infrastructure Services, dated February 3, 2021.
- A report from A. Li, Planner, Planning & Development Services, Credit Valley Conservation, dated January 28, 2021.

And that the application by Ilya Rastorguev for a minor variance to Zoning By-law 22-90, as amended, on property described as Lot 46 on Registered Plan 7M-40, municipally known as 18 Young Court, in the Town of Orangeville, in the County of Dufferin, under the provisions of Section 45 of the Planning Act, R.S.O. 1990, c. P.13, as amended, be received;

And that the request for a minor variance to increase the maximum lot coverage from 30% to 41% in order to permit the construction of a proposed addition to the front of the garage, an addition to the front of the porch, a shed, and legalize an existing raised deck; and to reduce the minimum front yard setback from 6 metres to 5.5 metres to permit the construction of a proposed addition to the front of the garage, be approved with the following condition:

- That the variances be limited to the extent shown on the sketch attached to the Public Notice.

Carried

4.2 File No. A-02/21 - 41 William Street

The Committee heard applications A-02/21 and B-01/21 concurrently.

The Chair asked if anyone wished to speak in favour of the application. Nick Bogaert (Agent) explained that the subject property is a large lot as it was originally two separate lots on an old plan of subdivision which merged over time and the purpose of the application is to re-establish the former lot lines in order to accommodate an additional detached dwelling.

Rita Baldassarra asked if the existing trees would need to be cut down to allow for the proposed development. Nick Bogaert advised that some trees would need to be removed but not the ones on the boulevard.

Spencer Brown spoke in favour of the application and advised that the intent is to keep as many trees as possible.

Jason Bertrand asked if the Town has a tree cutting policy and the Manager of Planning advised in the negative.

The Chair asked if anyone wished to speak in opposition of the application. No comments made.

The Chair expressed concerns, particularly noting that the size of the lot is small and that the street is comprised of single storey and one and a half storey homes and that the proposed two-storey house would have a higher profile than others which make it incompatible for the street.

Spencer Brown advised that the Town has communicated that it would allow for the property to access the town easement portion to act like a

wider lot for use as the side yard of the proposed single detached dwelling.

Rita Baldassarra asked why the new lot is not planned at the back of the property as opposed to using the town easement portion and was advised by Nick Bogaert that the current proposal is with respect to stage one which seeks to re-establish the lot lines as part of a comprehensive infill development and that stage 2 will address the rezoning of the property.

Spencer Brown explained that the application before the Committee was to re-establish the former lot lines and that the Town already services the property (water, sanitary, storm sewer). Also, that the proposal is consistent with provincial policy and that the Town of Orangeville Official Plan allows for intensification. Spencer Brown further explained that the proposed project seeks to develop around the existing house and improve it. Furthermore, that large lots in the area with homes averaging 2,500 sq. ft. would be sold on the market for about \$1 million but smaller lots are more affordable.

Grant Bennington expressed concerns with respect to the creation of a new lot.

Spencer Brown advised that there are various other comparable lot sizes in the area.

Brandon Ward advised that in considering the application, it is not a question of likeness or duplication of surroundings but rather a question of planning compatibility with respect to considerations regarding setbacks and streetscapes. Furthermore, that in this regard, the setbacks and variances proposed present good similarities in terms of the existing built environment and that the introduction of a single detached dwelling and broader intensification is similar to the detached surroundings.

Brandon Ward also noted that it is important to proceed with the proposed development comprehensively and that a rezoning process is encouraged. Lastly, that the proposed development can be regarded as gentle intensification which is in line with surroundings and with the policy framework.

Alan Howe inquired if the proposed development included a semi-detached dwelling and was advised by Brandon Ward that it does but that it is planned for the second phase of the development and is to be located at the rear of the existing dwelling.

Alan Howe inquired as to why the severance was not proposed for other areas of the lot and was advised by Brandon Ward that the current zoning does not allow for a semi-detached dwelling, hence requiring a zoning amendment.

Alan Howe noted that it would have been preferable for the proposal to go through the zoning by-law amendment process prior to being considered by the Committee to allow for a better picture of the proposed end result and was advised by Spencer Brown that these applications were submitted prior to the zoning by-law amendment process in an effort to accumulate the necessary capital for the development of the property.

Recommendation: 2021-003

Moved by Alan Howe

That the following reports and correspondence be received:

- A report from B. Ward, Manager of Planning, Infrastructure Services, dated February 3, 2021.
- A report from C. Khan, Deputy Clerk, Corporate Services for the Heritage Orangeville Committee, dated January 21, 2021.
- A report from J. Lackey, Manager of Transportation & Development, Infrastructure Services, dated January 31, 2021

And that the application by Duncan Shaw for a minor variance to Zoning Bylaw 22-90, as amended, on property described as Lots 8 & 9, Block 1 on Registered Plan 216, municipally known as 41 William Street, in the Town of Orangeville, in the County of Dufferin, under the provisions of Section 45 of the Planning Act, R.S.O. 1990, c. P.13, as amended, be received;

And that the request for a minor variance to reduce the minimum lot area from 464 sq. metres to 250 sq. metres, to reduce the minimum lot frontage from 17 metres to 9.9 metres, to reduce the minimum exterior side yard from 3.5 metres to 0.3 metres, to reduce the minimum interior side yard from 1.5 metres to 1.2 metres, and to increase the maximum lot coverage from 35% to 39%, be approved.

Defeated

Recommendation: 2021-004

Moved by Alan Howe

That the following reports and correspondence be received:

- A report from B. Ward, Manager of Planning, Infrastructure Services, dated February 3, 2021.
- A report from C. Khan, Deputy Clerk, Corporate Services for the Heritage Orangeville Committee, dated January 21, 2021.
- A report from J. Lackey, Manager of Transportation & Development, Infrastructure Services, dated January 31, 2021

And that the application by Duncan Shaw for a minor variance to Zoning Bylaw 22-90, as amended, on property described as Lots 8 & 9, Block 1 on Registered Plan 216, municipally known as 41 William Street, in the Town of Orangeville, in the County of Dufferin, under the provisions of Section 45 of the Planning Act, R.S.O. 1990, c. P.13, as amended, be received;

And that the request for a minor variance to reduce the minimum lot area from 464 sq. metres to 250 sq. metres, to reduce the minimum lot frontage from 17 metres to 9.9 metres, to reduce the minimum exterior side yard from 3.5 metres to 0.3 metres, to reduce the minimum interior side yard from 1.5 metres to 1.2 metres, and to increase the maximum lot coverage from 35% to 39%, be approved with the following conditions:

- That the variances be limited to the extent of the “retained parcel” as shown on the sketch attached to the Notice of Hearing; and
- That the front façade of the proposed single detached dwelling be aligned with the existing heritage building in order to be consistent with the streetscape

Defeated

Recommendation: 2021-005

Moved by Grant Bennington

That the following reports and correspondence be received:

- A report from B. Ward, Manager of Planning, Infrastructure Services, dated February 3, 2021.
- A report from C. Khan, Deputy Clerk, Corporate Services for the Heritage Orangeville Committee, dated January 21, 2021.
- A report from J. Lackey, Manager of Transportation & Development, Infrastructure Services, dated January 31, 2021

And that the application by Duncan Shaw for a minor variance to Zoning Bylaw 22-90, as amended, on property described as Lots 8 & 9, Block 1 on Registered Plan 216, municipally known as 41 William Street, in the Town of Orangeville, in the County of Dufferin, under the provisions of Section 45 of the Planning Act, R.S.O. 1990, c. P.13, as amended, be received;

And that the request for a minor variance to reduce the minimum lot area from 464 sq. metres to 250 sq. metres, to reduce the minimum lot frontage from 17 metres to 9.9 metres, to reduce the minimum exterior side yard from 3.5 metres to 0.3 metres, to reduce the minimum interior side yard from 1.5 metres to 1.2 metres, and to increase the maximum lot coverage from 35% to 39%, be refused for the following reasons:

- not compatible with the adjacent properties;
- insufficient lot size; and
- not found to be minor in nature, desirable for the appropriate development or use of the lands, and that the general intent and purpose of the Official Plan and the Zoning by-law are maintained.

Carried

4.3 File No. B-01/21 - 41 William Street

Recommendation: Recommendation 2021-006

Moved by Hiedi Murray

That the following reports and correspondence be received:

- A report from B. Ward, Manager of Planning, Infrastructure Services, dated February 3, 2021.
- A report from C. Khan, Deputy Clerk, Corporate Services for the Heritage Orangeville Committee, dated January 21, 2021.

- A report from J. Lackey, Manager of Transportation & Development, Infrastructure Services, dated January 31, 2021

And that the application by Duncan Shaw for consent to sever a parcel of land described as Lots 8 & 9, Block 1 on Registered Plan 216, municipally known as 41 William Street, in the Town of Orangeville, in the County of Dufferin, under the provisions of Section 53 of the Planning Act, R.S.O. 1990, c. P.13, as amended, be received;

And that the request for consent to sever a parcel of land to create two separate lots. The severed parcel of land to have a frontage on William Street of 9.93 metres, a depth of approximately 25.32 metres and an area of approximately 250 sq. metres. The retained parcel of land to have a frontage on William Street of 19.84 metres, a depth of approximately 40.20 metres and an area of approximately 961 sq. metres, be refused for the following reason:

- that the proposal does not conform to the policies of the Town of Orangeville Official Plan, specifically with respect to intensification criteria.

Carried

5. Items for Discussion

None

6. Correspondence

None

7. New Business

None

8. Date of Next Meeting

The next meeting is scheduled for March 3, 2021 at 6:00 p.m.

9. Adjournment

The meeting was adjourned at 7:00 p.m.

Report

To: Chair and Members of the Committee of Adjustment

From: Larysa Russell, MCIP, RPP
Senior Planner, Infrastructure Services

Date: March 3, 2021

Subject: **Minor Variance Application File No. A-03/21**
Dufferin Condo Plan No. 12, Unit 3, Level 1
76-78 Centennial Road

Applicant: 76-78 Centennial Development Corporation

Official Plan Designation:
‘Employment Area’ (Schedule ‘A’)

Zoning (By-law 22-90):
‘General Industrial (M1) Zone’

1. Introduction

The applicant is requesting a minor variance to permit 10% of the floor area of a caterer’s establishment to be used for takeout at 76 Centennial Road, Unit 3.

2. Background

The subject property is located on the south side of Centennial Road, between C Line and Robb Boulevard, municipally known as 76 and 78 Centennial Road. The property is approximately 6,555 square metres (70,557 square feet) in area, with 41 metres (135 feet) of frontage along Centennial Road. Two single-storey multi-tenant industrial buildings exist on the property and are situated within an industrial employment area. The location of the subject lands is indicated on Attachment No. 1. The minor variance application is only in relation to 76 Centennial Road, Unit 3, which is approximately 130 square metres (1,400 square feet) in area.

Unit 3 of 76 Centennial Road is currently occupied by “Simply Pasta”, which is a catering company that was launched in September of 2018 to provide freshly made hot lunch meals to elementary schools. In January 2020, they created “The Eatery”, extending their services to include private and corporate catering, as well as frozen and fresh food take-

out options. To enable the added take-out portion of the business, the unit was modified to create a pick-up/take-out area with a counter and fridge, occupying less than 10% of the total floor area.

The subject property is zoned 'General Industrial (M1) Zone' in Zoning By-law 22-90, as amended. The M1 zone permits a caterer's establishment, which is defined as "an establishment in which food and beverages are prepared for consumption off the premises and are not served to customers on the premises or to take out." Based on the definition, the applicant is not permitted to provide a take-out option for customers. As such, the applicant is requesting a minor variance to permit 10% of the floor area to be used for take-out.

Pending approval by the Committee of Adjustment of this application, the proposed use will comply with the provisions of the Zoning By-law. However, approval of applicable permits under the Ontario Building Code will still be required.

3. Staff Comment

Section 45(1) of the Planning Act, R.S.O. 1990, as amended, outlines four tests that the Committee of Adjustment must be satisfied have been met when considering an application for a minor variance. Planning Division staff offer the following comments for the Committee's consideration in review of these four tests:

3.1. Conformity with the Official Plan

The subject property is designated "Employment Area" in the Town of Orangeville Official Plan (Schedule 'A'). Permitted uses include "manufacturing, assembling, processing, fabricating, refining, repairing, warehousing, and wholesaling, offices, transportation and communication uses, research and information processing facilities, recreational uses and accessory uses." (Section E3.2)

Section E3.3.a permits secondary uses, including "retail sales provided that the retail use is accessory to an employment use (on the same site) and occupies a portion of the building and the site which is significantly less than that occupied by the main use of the site." Further, Section E3.3b permits "limited service commercial uses providing a support function to employment uses including restaurants".

As previously described, Simply Pasta has modified their catering business to include a take-out option called The Eatery. The Eatery is intended to mainly serve the surrounding industrial community, providing corporate catering as well as individual frozen and fresh food take-out options. This portion of the business occupies less than 10% of the unit,

deeming it accessory or secondary to the main employment use. It also fulfills the need for supporting restaurant functions within the employment area.

The proposed variance is considered to conform with the intent of the Official Plan.

3.2. General Intent of the Zoning By-law is Maintained

The subject property is zoned 'General Industrial (M1) Zone' in Zoning By-law 22-90, as amended. As noted previously, the M1 zone permits a caterer's establishment; however, this use does not permit take-out options based on its definition in the By-law.

The applicant is requesting a minor variance to permit 10% of the floor area of a caterer's establishment to be used for take-out at 76 Centennial Road, Unit 3.

The proposed variance to permit take-out at a maximum of ten percent (10%) will limit this portion of the business, ensuring it remains accessory to the overall employment use. Furthermore, the take-out permission will only apply to a caterer's establishment use.

Permitting a take-out accessory use to a catering establishment implements the Official Plan direction to permit uses that support the function of the overall employment area.

The requested variance maintains the general intent and purpose of the Zoning By-law.

3.3. Desirable Development or Use of the Land, Building or Structure

The variance will not result in adverse impacts on the subject lands or surrounding properties. The requested variance is considered desirable and appropriate for the use of the land.

3.4. Minor in Nature

In consideration of the foregoing, this application for minor variance to Zoning By-law No. 22-90 is deemed minor in nature.

4. Recommendation

Planning Division staff recommends that this Minor Variance Application (File No. A-03/21) to permit 10% of the floor area of a caterer's establishment to be used for takeout at 76 Centennial Road, Unit 3, be approved.

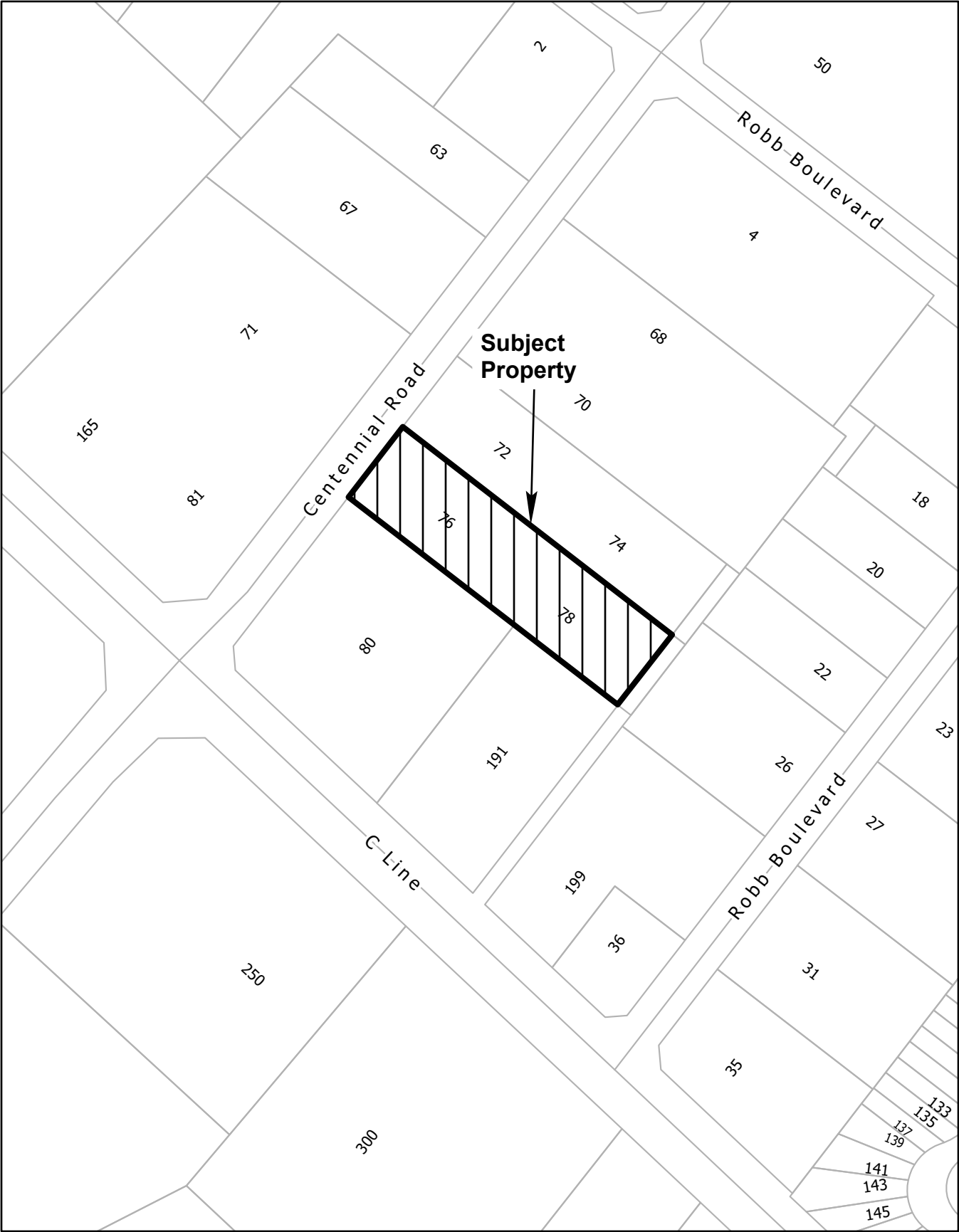
Respectfully submitted:

A handwritten signature in dark ink, appearing to read 'L Russell', written over a horizontal line.

Larysa Russell, MCIP, RPP
Senior Planner, Infrastructure Services

Attachments:

1. Location Map



Report to Committee of Adjustment

To: Chair & Members of the Committee of Adjustment **Reviewed by:** _____
From: R. John Lackey, P. Eng., Manager, Transportation & Development
Copy: Ms. Larysa Russell, MCIP, RPP | Senior Planner, Planning | Infrastructure Services
Date: February 23, 2021
Report: A-03/21
Subject: Notice of Hearing for Minor Variance to Zoning, for Dufferin Condo Plan 12, municipally known as 76-78 Centennial Road, Applicant – Centennial Development Corporation

Infrastructure Services has reviewed the Notice of Hearing for a minor variance for the property described as Dufferin Condo Plan 12, municipally known as 76-78 Centennial Road, in the Town of Orangeville. The minor variance is to permit 10% of the floor area of a caterer's establishment to be used for takeout at 76 Centennial Road, Unit 3.

Infrastructure Services is not aware of any grading, drainage or servicing issue that would preclude the granting of this minor variance. Concluding, Infrastructure Services, Transportation and Development Division does not object to the minor variance to permit 10% of the floor area of a caterer's establishment to be used for takeout at 76 Centennial Road, Unit 3.

Respectfully submitted,



R. John Lackey, P. Eng., Manager
Transportation and Development, Infrastructure Services

c.c. Carolina Khan, Deputy-Clerk, Secretary-Treasurer, Committee of Adjustment

Report

To: Chair and Members of the Committee of Adjustment

From: Larysa Russell, MCIP, RPP
Senior Planner, Infrastructure Services

Date: March 3, 2021

Subject: Minor Variance Application No. A-04-21
Lot 120, Registered Plan 7M-11
111 Biscayne Crescent

Applicant: David Creglia – 2142560 Ontario Limited

Official Plan Designation:
‘Low Density Residential’ (Schedule ‘C’)

Zoning (By-law 22-90):
Residential Sixth Density (R6) Zone

1. Introduction

The applicant is requesting a minor variance to reduce the parking requirement from three (3) spaces to two (2) spaces for a single detached dwelling with an accessory apartment.

2. Background

The subject property is located on the south side of Biscayne Crescent, between Abbey Road and Sherwood Street. The property is approximately 344 square metres (3,703 square feet) in area, with 9.75 metres (32 feet) of frontage along Biscayne Crescent. A 1-storey detached dwelling exists on the property and is situated within a low-density residential neighbourhood. The location of the subject lands is indicated on Attachment No. 1.

The applicant is proposing to legalize a second dwelling unit, contained within the basement of the detached dwelling. The Zoning By-law requires that a minimum of three (3) parking spaces be provided for the two dwelling units. Based on the existing house/garage configuration and the minimum parking space size requirements of the By-law, the property can only accommodate two (2) parking spaces within the property limits of the driveway. Therefore, the purpose of this application is to seek relief from the required three (3) parking spaces, reducing it to two (2) in order to accommodate the second dwelling unit.

Pending approval by the Committee of Adjustment of this application, the second dwelling unit may still require approval of applicable permits under the Ontario Building Code but will comply with the Zoning By-law.

3. Staff Comment

Section 45(1) of the Planning Act, R.S.O. 1990, as amended, outlines four tests that the Committee of Adjustment must be satisfied have been met when considering an application for a minor variance. Planning Division staff offer the following comments for the Committee's consideration in review of these four tests:

3.1. Conformity with the Official Plan

The subject property is designated "Low Density Residential" in the Town of Orangeville Official Plan. Detached dwellings and second dwelling units are permitted land uses pursuant to the residential policies of the Official Plan. The proposed parking space reduction would facilitate a legal second dwelling unit and does not conflict with or offend any high-level policy direction of the Official Plan.

The proposed variance is considered to conform with the intent of the Official Plan.

3.2. General Intent of the Zoning By-law is Maintained

The subject lands are zoned Residential Sixth Density (R6) Zone on Schedule 'A' of Zoning By-law 22-90, as amended. The R6 Zone permits a range of residential uses, including detached dwellings.

The General Provisions of the By-law (Section 5.29) permit a second dwelling unit within a single detached or semi-detached dwelling, provided that there is only one entrance in the front wall of the dwelling unit, and at least three (3) parking spaces are provided. Parking spaces must have a minimum width of 2.6 metres (on a driveway) or 2.7 metres (in a garage) and a depth of at least 5.5 metres (Section 5.17.2.b and 5.29 (c)). The maximum driveway width for the subject lands is 5.2 metres (for lots with a frontage of between 9.0 metres to 12.0 metres) based on the subject lot having a frontage of 9.75 metres.

The applicant is requesting a minor variance to reduce the minimum required number of parking spaces from three (3) to two (2) to accommodate a second dwelling unit.

A total of three (3) parking spaces are required in order to permit the second dwelling unit. The purpose of requiring three (3) parking spaces is to ensure there is sufficient off-street parking to accommodate the vehicles associated with two dwelling units. The detached unit is required to have two (2) parking spaces, and one (1) additional parking space is required for the second dwelling unit.

The property has an existing 1 car garage. However, based on internal modifications to the garage, it can no longer accommodate a parking space size of 2.7 metres by 5.5 metres.

The property has an existing paved driveway that is approximately 6.3 metres (20.7 feet) long, measured to the front lot line as indicated on Attachment 2. It has a paved width of approximately 4.8 metres (15.75 feet). The applicant is proposing to widen the driveway from 4.8 metres to 5.2 metres within the property limits, as permitted by the Zoning By-law.

Based on the required driveway parking space size of 2.6 metres by 5.5 metres, the 5.2 metre widened driveway will only accommodate two (2) parking spaces side by side within the property limits (i.e., 6.3 metres deep). There is no sidewalk on this side of Biscayne Crescent, which results in an extended paved driveway length of approximately 5.7 metres (18.8 feet) within the Town's right-of-way. The combined length of the existing paved driveway is approximately 12 metres (39.5 feet). As such, an additional space can be accommodated in tandem within the right-of-way.

Based on the existing configuration of the lot, planning staff are satisfied that three (3) driveway parking spaces are available for the sole use of the property, even though only two (2) spaces are within the property limits, as shown in Attachment No. 3. As such, the reduction of this parking requirement will not create circumstances that could result in spill over parking into the street and will legalize the additional dwelling unit within the detached dwelling.

The requested variance maintains the general intent and purpose of the Zoning By-law.

3.3. Desirable Development or Use of the Land, Building or Structure

Detached dwellings and second dwelling units are permitted pursuant to the policies of the Zoning By-law No. 22-90. The proposed variance will not have adverse impacts on surrounding properties, while legalizing an additional dwelling unit on the subject land.

The requested variance is considered desirable and appropriate for the use of the land.

3.4. Minor in Nature

In consideration of the foregoing, the application for minor variance to Zoning By-law No. 22-90 is deemed minor in nature.

4. Recommendation

Planning Division staff recommends that Minor Variance Application (File No. A-04/21) to reduce the parking requirement from three (3) spaces to two (2) spaces for a single detached dwelling with an accessory apartment, be approved.

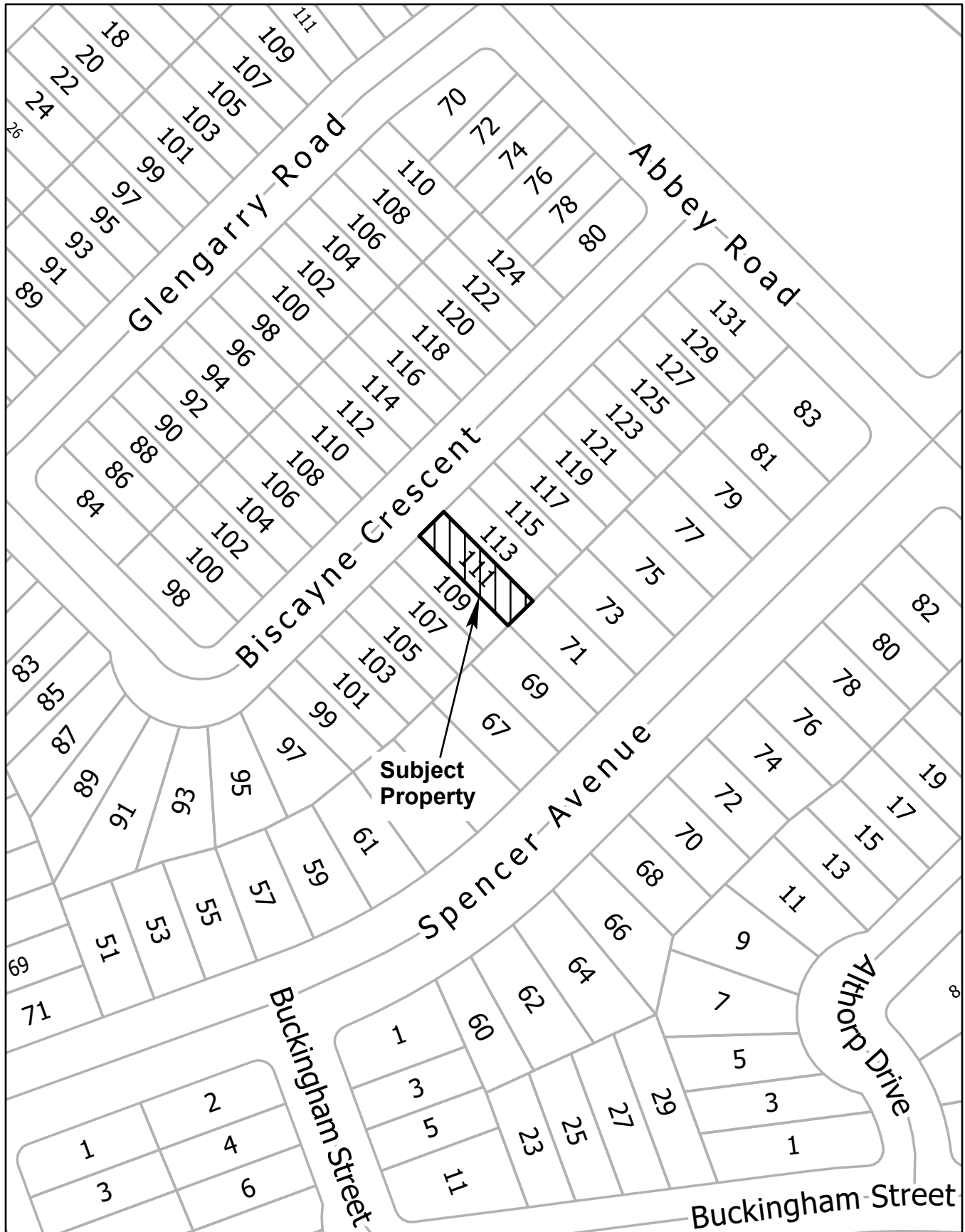
Respectfully submitted:

A handwritten signature in black ink, appearing to read 'L Russell', is positioned above a horizontal line.

Larysa Russell, MCIP, RPP
Senior Planner, Infrastructure Services

Attachments:

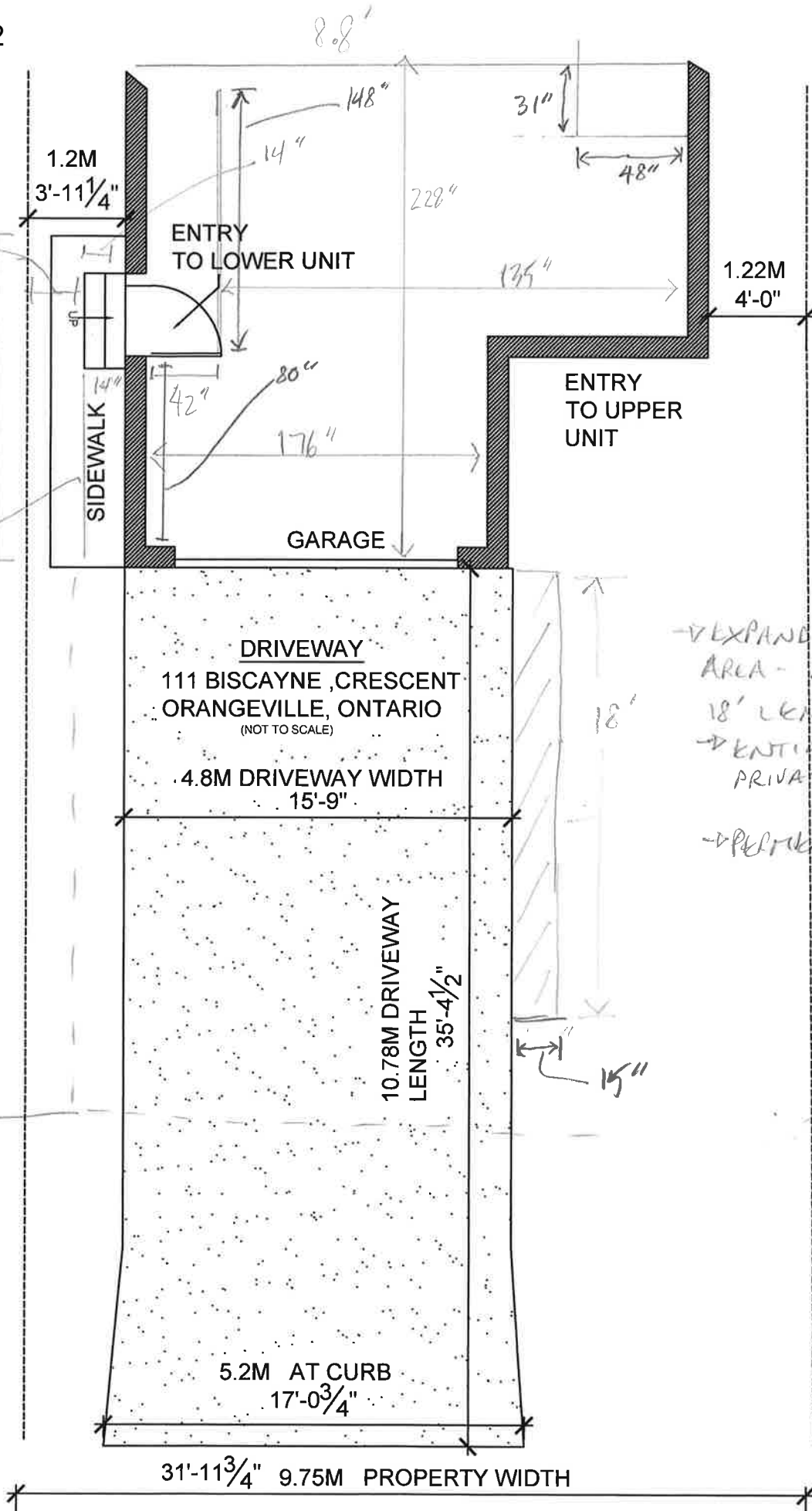
1. Location Map
2. Site Plan
3. Parking Layout Mark-up



2'9 1/4"
FROM STEP
TO LOT LINE

PERMEABLE
MATERIALS

LOT LINE
20.7'



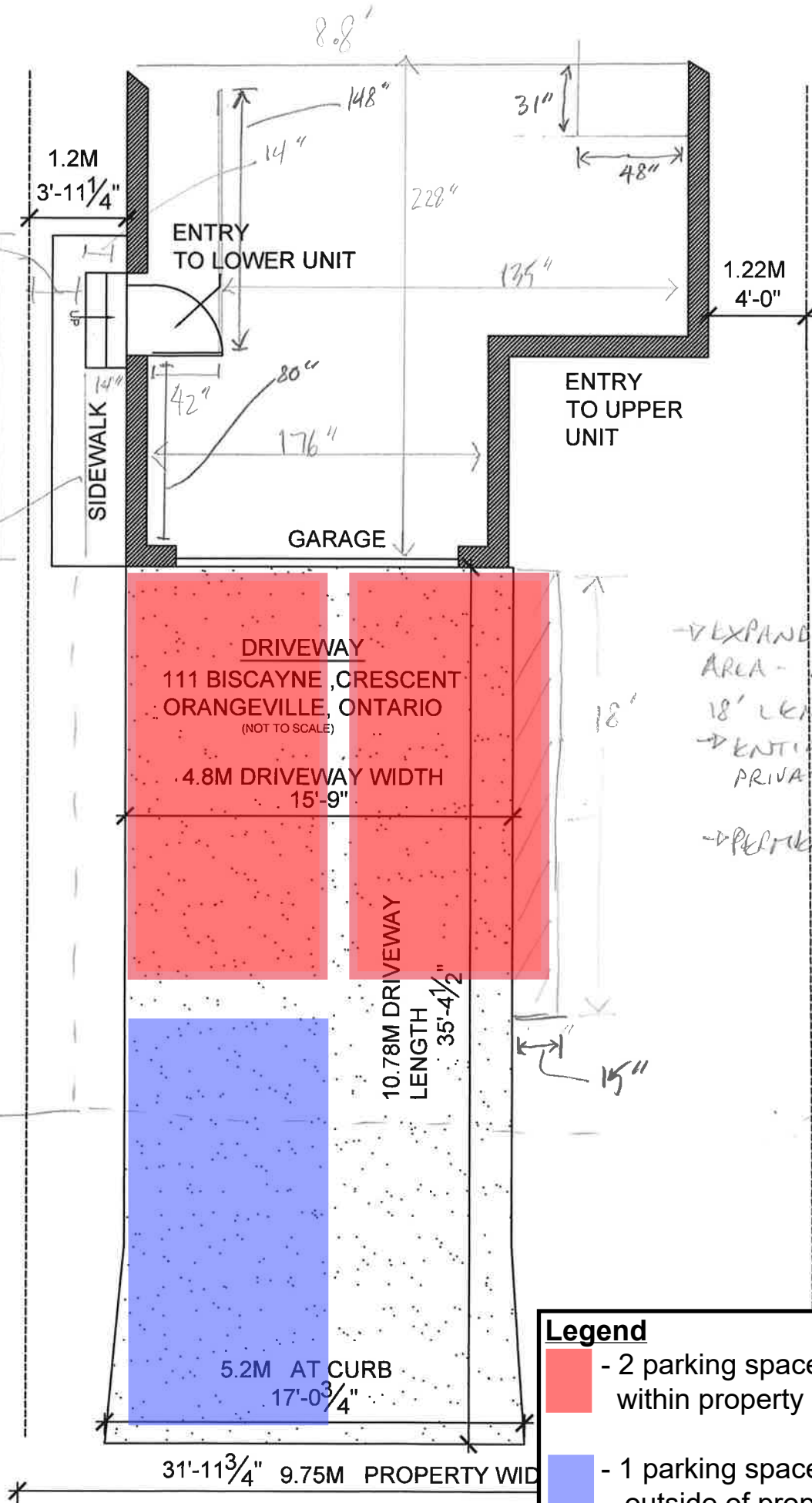
EXPAND PARKING
AREA - ADD 15" WIDTH,
18' LENGTH.
ENTIRELY ON
PRIVATE PROPERTY
PERMEABLE MATERIALS

Attachment 3

2'9 1/4"
FROM STEP
TO LOT LINE

PERMEABLE
MATERIALS

LOT LINE
20.7'

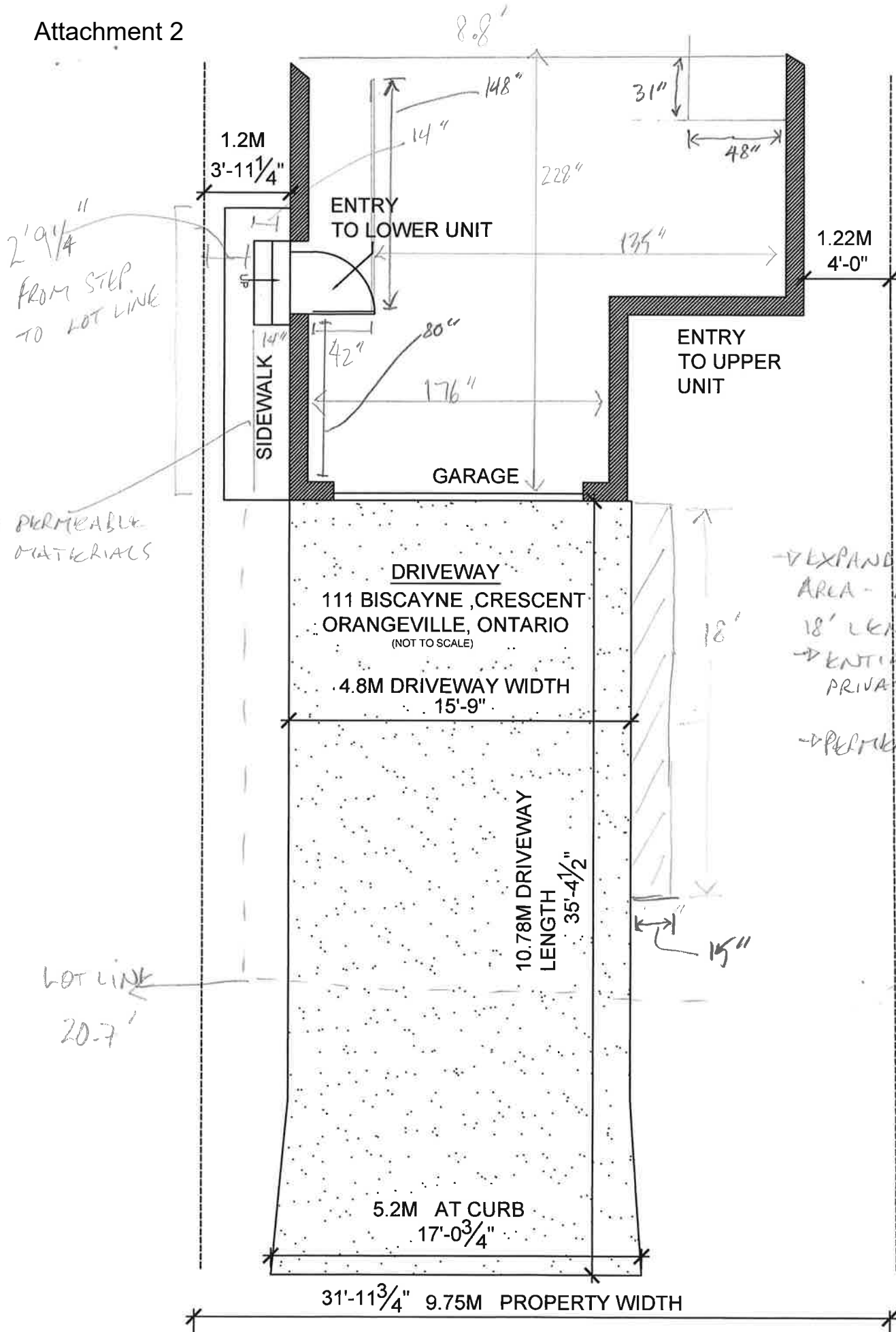


-EXPAND PARKING
AREA - ADD 15" WIDTH,
18' LENGTH.
-ENTIRELY ON
PRIVATE PROPERTY
-PERMEABLE MATERIALS

Legend

- 2 parking spaces on driveway within property limits
- 1 parking space on driveway outside of property limits



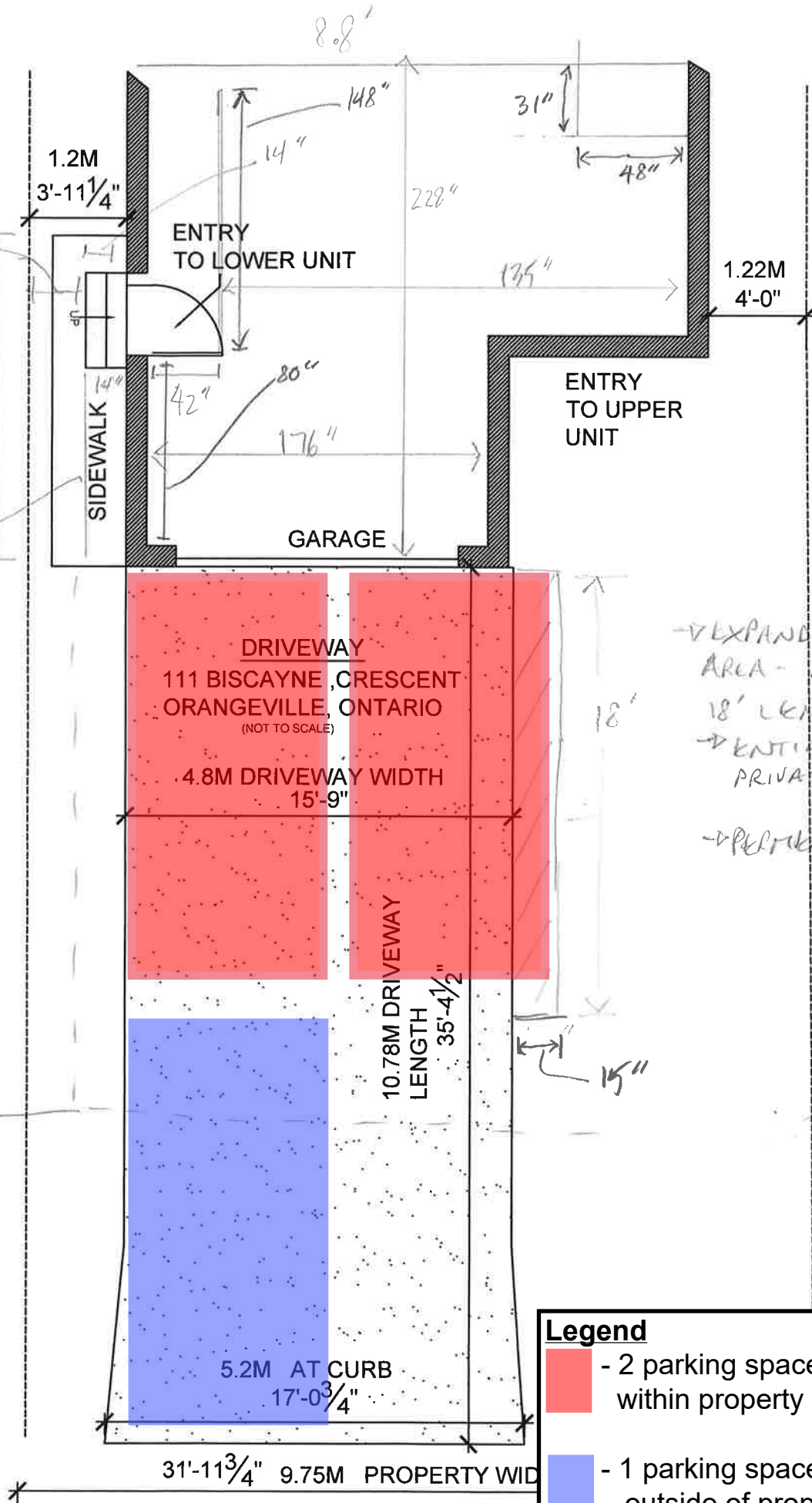


EXPAND PARKING AREA - ADD 15" WIDTH, 18' LENGTH.
ENTIRELY ON PRIVATE PROPERTY
PERMEABLE MATERIALS

2'9 1/4"
FROM STEP
TO LOT LINE

PERMEABLE
MATERIALS

LOT LINE
20.7'



-EXPAND PARKING
AREA - ADD 15" WIDTH,
18' LENGTH.
-ENTIRELY ON
PRIVATE PROPERTY
-PERMEABLE MATERIALS

Legend

- 2 parking spaces on driveway within property limits
- 1 parking space on driveway outside of property limits

Report to Committee of Adjustment

To: Chair & Members of the Committee of Adjustment **Reviewed by:** _____
From: R. John Lackey, P. Eng., Manager, Transportation & Development
Copy: Ms. Larysa Russell, MCIP, RPP | Senior Planner, Planning | Infrastructure Services
Date: February 23, 2021
Report: A-04/21
Subject: Notice of Hearing for Minor Variance to Zoning for Lot 120, Registered Plan 7M-11, municipally known as 111 Biscayne Crescent, Applicant – David Creglia

Infrastructure Services has reviewed the Notice of Hearing for a minor variance for the property described as Lot 120, Registered Plan 7M-11, municipally known as 111 Biscayne Crescent, in the Town of Orangeville. The minor variance is to reduce the parking requirement from three (3) spaces to two (2) spaces for a single detached dwelling with an accessory apartment.

Infrastructure Services is not aware of any grading, drainage or servicing issue that would preclude the granting of this minor variance. Concluding, Infrastructure Services, Transportation and Development Division does not object to the minor variance to reduce the parking requirement from three (3) spaces to two (2) spaces for a single detached dwelling with an accessory apartment.

Respectfully submitted,



R. John Lackey, P. Eng., Manager
Transportation and Development, Infrastructure Services

c.c. Carolina Khan, Deputy-Clerk, Secretary-Treasurer, Committee of Adjustment

Report

To: Chair and Members of the Committee of Adjustment

From: Brandon Ward, MCIP, RPP
Manager of Planning, Infrastructure Services

Date: March 3, 2021

Subject: **Consent Application File No. B-02/21**
100 Fifth Avenue

Applicant: Fiera Real Estate Core Fund GP Inc. c/o Dillon Consulting Limited

Official Plan Designation:
'General Commercial' (Schedule 'A'), Special Policy E8.25

Zoning (By-law 22-90):
'General Commercial (C1) Zone', Special Provision 24.83

1. Introduction

The Agent, Dillon Consulting Limited, has applied on behalf of the owner, Fiera Real Estate Core Fund GP Inc. (the "owner") for consent to grant a lease over part of the subject lands for a period of more than 21 years. The subject lands consist of the "Fairgrounds Shopping Centre" property located north of Fifth Avenue and west of Highway 10. The purpose of this application is to permit an existing lease agreement to be extended between the owner and The TIMWEN Partnership & Wendy's Restaurants of Canada Inc. (the "Tenant"). This lease agreement applies to the portion of the subject property occupied by the existing building and associated parking areas for the Wendy's and Tim Horton's restaurants at 100 Fifth Avenue. Approval of this consent application would allow this existing lease agreement to be extended, thereby allowing the Tenants to remain in their current location.

2. Background

Section 50 of the Planning Act outlines the provisions that regulate the division or transfer of land in Ontario. Section 50(3) of the Act states that "no person shall ... enter

into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more unless, (f) a consent is given to...enter into an agreement in respect of the land". An application for consent is therefore required to permit a lease agreement over a property or a portion of a property where the duration of the agreement is for 21 years or more. Long-term leases enable an owner to retain ownership rights of their lands while permitting a tenant to formalize certain rights and benefits under the lease, such as a secured length of tenancy, assured rights of access and use, etc. In this situation, the existing Tenant (i.e. Tim Hortons and Wendy's restaurants) is seeking to renew their current lease agreement with the property owner, which would exceed a period of 21 years. The proposed lease boundary area is to remain as-is and is shown on Attachment 2. The lease area includes the existing freestanding building, surrounding drive-through and parking areas.

3. Staff Comment

3.1 Provincial Policy Statement (PPS)(2020)

PPS policies pertaining to development within Settlement Areas promote land use patterns that are based on a mix of land uses and densities which support the efficient use of resources; are appropriate for the efficient use of infrastructure and public service facilities; minimize impacts to air quality and climate change; support active transportation; and are transit-supportive.

The subject consent application intends to permit an existing lease arrangement to continue, which would maintain existing permitted land uses operating on the subject lands. No new uses or site alteration would result from this application and no further planning approvals are required to facilitate this arrangement. The proposed consent is consistent with the policies of the PPS (2020).

3.2 Town of Orangeville Official Plan

The subject property is designated "General Commercial" on Schedule 'A' (Land Use Plan) in the Town's Official Plan (OP). This designation applies to the major non-downtown commercial area located in the Highway 10 corridor north of Fourth Avenue. It accommodates retail and wholesale outlets as a primary function, as well as personal and business services, such as banks, restaurants and office uses. A Special Policy (E8.25) also applies to the subject property, which directs specific floor area restrictions to be established in the Zoning By-law for certain permitted uses.

This application for consent intends to permit an extension of a current lease arrangement to allow existing restaurant uses to continue to operate as-is at this location. The uses are permitted by the General Commercial policies of the OP and their continued function maintains conformity with the OP. This consent application conforms to the Town's OP.

3.3 Zoning By-law 22-90, as amended

The subject property is zoned General Commercial (C1) Zone, with Special Provision 24.83 on Schedule 'A' (Map No's A5 and B5) of Zoning By-law No. 22-90. The C1 zone permits a range of uses consistent with the General Commercial policies of the OP, including a retail store, business office, personal service shop, restaurant, financial establishment, cinema, and recreational establishment. Special Provision 24.83 permits additional uses specific to this property and also specifically prohibits certain uses that would otherwise be permitted by the parent C1 Zone. The special provision also contains a number of specific limitations for floor areas of certain uses and stipulations on the number of units that may be occupied for some of the permitted uses.

The existing restaurant uses at 100 Fifth Avenue, which are the subject of this consent application for a lease agreement, are permitted by the C1 zone and comply with Special Provision 24.83. No new development or land use change would be facilitated by this consent application. This consent application therefore complies with the Zoning By-law.

4. Cash-in-lieu of Parkland

This application does not involve new lot creation. Therefore, parkland dedication (or payment in lieu thereof), pursuant to By-law No. 47-2012 and the provisions of the Planning Act, does not apply to this application.

5. Recommendations

Planning Division staff recommends that the **Consent Application (File No. B-02/21)** for a consent to lease a parcel of land known municipally as 100 Fifth Avenue, be **approved**.

Respectfully submitted:



Brandon Ward, MCIP, RPP
Manager of Planning, Infrastructure Services

Attachments:

1. Location Map.
2. Existing Lease Boundary



FINISHED FLOOR ELEVATION 416.5m

Leased Boundary

FUTURE DEVELOPMENT

Tim Hortons

EXISTING BUILDING

Wendy's

EX. MENU, SPEAKER AND PREVIEW MENU TO BE REMOVED

PROPOSED INTEGRATED MENU/SPEAKER

PROPOSED PREVIEW MENU

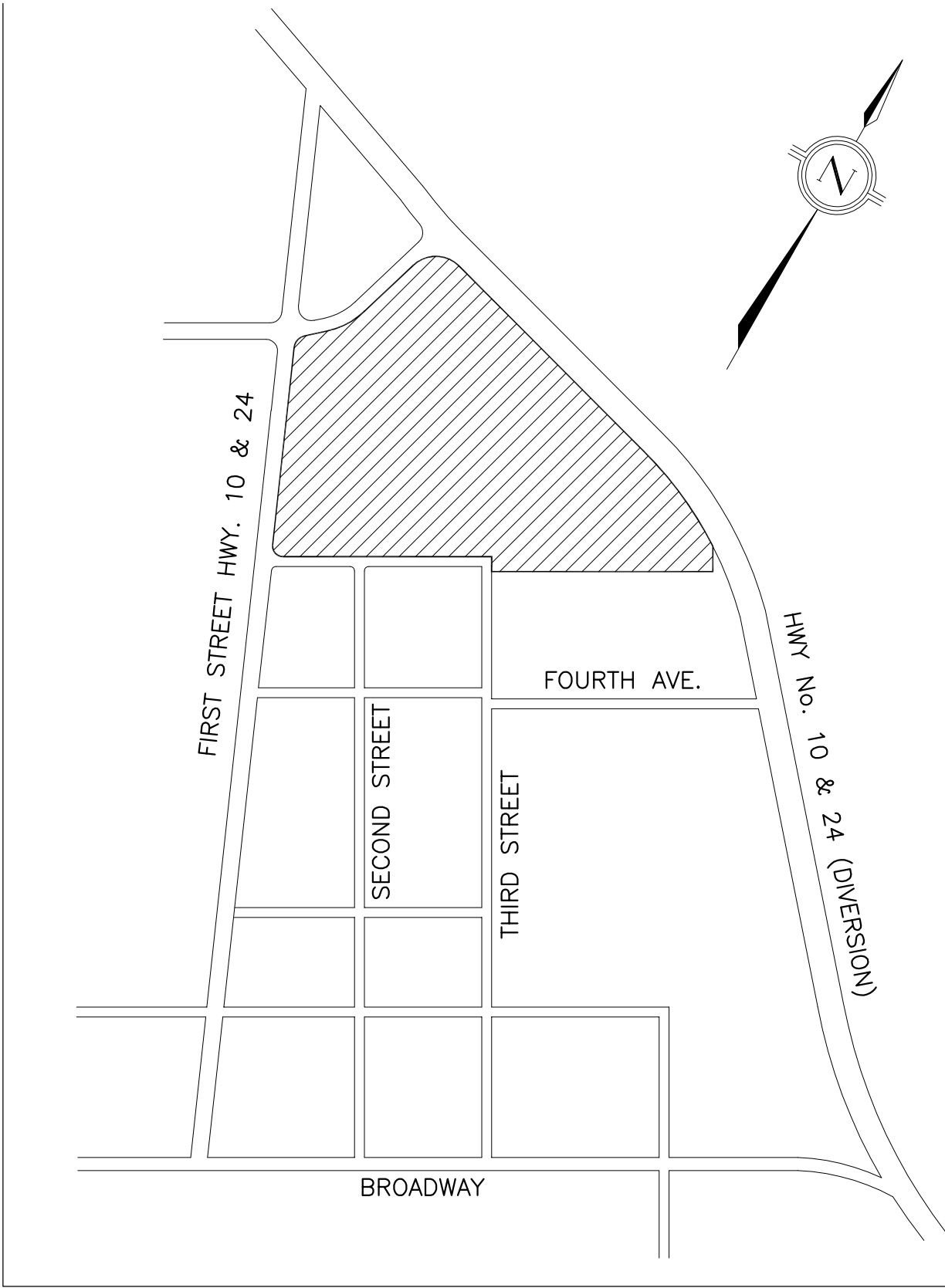
PROPOSED BARRIER-FREE SIGNS AS PER DETAIL

PERIMETER OF EXISTING BARRIER-FREE RAMP TO BE PAINTED YELLOW AS PER TDL SPECIFICATIONS AND DIRECTION OF TDL PROJECT MANAGER.

COMBO PYLON

HIGHWAY NO. 10 AND NO. 24

EXISTING SIGNALIZED INTERSECTION



APPLICATION FOR CONSENT OF A LONG TERM LEASE.
NO CONSTRUCTION PROPOSED.
FOR ILLUSTRATION PURPOSE ONLY.



THE TDL GROUP CORPORATION

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PROJECT
ORANGEVILLE, ONTARIO

100 FIFTH AVENUE

RESTAURANT No. 1883

DRAWING TITLE:
SITE PLAN

DRAWN BY: MM

SCALE: 1:250

DRAWING NO.
SP

Report to Committee of Adjustment

To: Chair & Members of the Committee of Adjustment **Reviewed by:** _____
From: R. John Lackey, P. Eng., Manager, Transportation & Development
Copy: Ms. Larysa Russell, MCIP, RPP | Senior Planner, Planning | Infrastructure Services
Date: February 23rd, 2021
Report: B-02/21
Subject: Notice of Hearing for Consent to Lease a parcel of lands at 100 Fifth Avenue –
Applicant Fiera Real Estate Core Fund LP

Infrastructure Services has reviewed the Notice of Hearing for permission to lease a parcel of land to TIMWEN Partnership and Wendy's Restaurants of Canada Inc. for a period in excess of 21 years in order to comply with Section 50(3) of the Planning Act. The lease will permit Tim Hortons/Wendy's to use a 537 square metre building on the subject lands. The subject lands are at the corner of Highway 10 and Fifth Avenue.

As there are no grading, drainage or servicing issues associated with this application, Infrastructure Services has no objection to the consent to lease a parcel of land at 100 Fifth Avenue.

Concluding Infrastructure Services has no objection to granting the applicant permission and consent to lease.

Respectfully submitted,

R. John Lackey, P. Eng.,
Manager, Transportation and Development
Infrastructure Services

Carolina Khan, Deputy-Clerk, Secretary-Treasurer, Committee of Adjustment

RJL/jl