



Agenda
Committee of Adjustment Meeting

Wednesday, April 6, 2022, 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 Acting Secretary-Treasurer of the Committee of Adjustment by email at tmacdonald@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: 399 215 118#**

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. **2022-03-02 Committee of Adjustment Minutes**
4. **Statutory Public Hearing**

4.1. File No. A-04/22 - 26 Sarah Street

In the matter of an application by Robert and Erika Tamburro for a minor variance to Zoning By-law 22-90, as amended, on property described as Lot 43, Block 7, Registered Plan 138, municipally known as 26 Sarah 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. The subject property is zoned "Residential Second Density (R2) Zone."

Explanatory Note: The applicants are requesting minor variances to increase the maximum accessory building height from 4.3 metres to 6.5 metres, to permit an accessory dwelling unit within the accessory structure of a detached dwelling, and to increase the maximum lot coverage for an accessory building from 10% to 13%. These variances are to permit the construction of an accessory building.

4.1.1. Planning Report - A-04/22 - 26 Sarah Street

Recommendations:

That Planning Report – A04-22 – 26 Sarah Street be received;

And that Minor Variance Application (File No. A04-22) to increase the maximum accessory building height from 4.3 metres to 6.5 metres, to permit an accessory dwelling unit only within the accessory structure of a detached dwelling, and to increase the maximum lot coverage for an accessory building from 10% to 13%, be approved, generally in accordance with the submitted Site Plan.

5. Items for Discussion

None.

6. Correspondence

None.

7. New Business

8. Date of Next Meeting

The next meeting is scheduled for May 4, 2022.

9. Adjournment



Minutes of a Committee of Adjustment Meeting

Electronic Participation

March 2, 2022, 6:00 p.m.

Chair and Secretary-Treasurer Participating Remotely

The Corporation of the Town of Orangeville

Members Present: Jason Bertrand
A. Howe, Vice Chair
Rita Baldassara
S. Wilson, Chair

Staff Present: B. Ward, Manager of 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

Moved by Jason Bertrand

That the minutes of the following meeting are approved:

2022-02-02 Committee of Adjustment

Carried

4. Election of Committee Chair and Vice Chair

Item 4 was addressed immediately following Item 1 - Call to Order

4.1 Nomination of Committee Chair

Moved by Alan Howe

That Scott Wilson be appointed as Chair of the Committee of Adjustment

Carried

4.2 Nomination of Vice-Chair

Moved by Rita Baldassara

That Alan Howe be appointed as Vice-Chair of the Committee of Adjustment

5. Statutory Public Hearing

5.1 File No. A-03/22 - 114 Zina Street

The Chair asked if anyone would like to speak in favour of the application.

Joseph Lauria reviewed the contents of the application and site plan with the Committee and noted that the application was submitted to create a secure yard area for the property.

The Vice Chair inquired as to the current 3 foot fence and was advised by Mr. Lauria that it was not sufficient given that the property is at the corner of a busy intersection. Furthermore, that a 6 foot fence had been constructed but was cut down to 3 feet along Zina Street and moved out of the sight triangle.

Fred McAlpine, 105 Zina Street, advised the Committee that the proposal seems appropriate for the lot and that he was in support of the application.

Jane McGagne, 1 Ada Street, advised that the proposed fence seems aesthetically correct and that she was in support of the application.

Rita Baldassara inquired if the fence to the south belonged to the neighbouring property and if the fence on Zina Street would be extended to go higher. Mr. Lauria advised that the fence to the south was part of 114 Zina Street and allows for access to the yard without going on the public area and that the fence facing Zina Street would not be extended higher than its current height.

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

Moved by Rita Baldassara

That Planning Report – A03-22 – 114 Zina Street, be received;

And that Minor Variance Application (File No. A03-22) to increase the maximum permitted height of a fence in the front yard, from 0.9 metres to 1.9 metres in order to construct a wood privacy fence, be approved

Yes (2): Jason Bertrand, and Rita Baldassara

No (2): Alan Howe, and Scott Wilson

Defeated (2 to 2)

Moved by Scott Wilson

That Planning Report – A03-22 – 114 Zina Street, be received;

And that Minor Variance Application (File No. A03-22) to increase the maximum permitted height of a fence in the front yard, from 0.9 metres to 1.9 metres in order to construct a wood privacy fence, be refused.

Yes (2): Alan Howe, and Scott Wilson

No (2): Jason Bertrand, and Rita Baldassara

Defeated (2 to 2)

Moved by Scott Wilson

That Planning Report – A03-22 – 114 Zina Street, be received.

Carried

The Committee recessed from 6:27 p.m. to 6:31 p.m.

The Secretary-Treasurer advised that per Planning Act Section 45 (8) No decision of the committee on an application is valid unless it is concurred in by the majority of the members of the committee that heard the application.

Brandon Ward, Manager of Planning reviewed the contents of Planning Report - A03-11 - 114 Zina Street.

Moved by Alan Howe

That Minor Variance Application (File No. A03-22) to increase the maximum permitted height of a fence in the front yard, from 0.9 metres to 1.9 metres in order to construct a wood privacy fence, be refused.

Yes (3): Jason Bertrand, Alan Howe, and Scott Wilson

No (1): Rita Baldassara

Carried (3 to 1)

6. Items for Discussion

None.

7. Correspondence

None.

8. New Business

None.

9. Date of Next Meeting

The next meeting is scheduled for April 6, 2022 at 6:00 p.m.

10. Adjournment

The meeting was adjourned at 6:45 p.m.

Subject: Planning Report – Application No. A04-022 – 26 Sarah Street

Department: Infrastructure Services

Division: Planning

Meeting Date: 2022-04-06

Recommendations

That Planning Report – A04-22 – 26 Sarah Street be received;

And that Minor Variance Application (File No. A04-22) to increase the maximum accessory building height from 4.3 metres to 6.5 metres, to permit an accessory dwelling unit only within the accessory structure of a detached dwelling, and to increase the maximum lot coverage for an accessory building from 10% to 13%, be approved, generally in accordance with the submitted Site Plan.

Introduction

Legal Description: Lot 43, Block 7, Registered Plan 138

Municipal Address: 26 Sarah Street

Applicant(s): Robert and Erika Tamburro

Official Plan Designation: 'Low Density Residential' (Schedule 'C')

Zoning (By-law 22-90): Residential Second Density (R2) Zone

Purpose: The applicants are requesting minor variances to:

- (1) increase the maximum accessory building height from 4.3 metres to 6.5 metres;
- (2) permit an accessory dwelling unit within the accessory structure of a detached dwelling; and,
- (3) to increase the maximum lot coverage for an accessory building from 10% to 13%.

Background

The subject property is located on the west side of Sarah Street, between Wellington Street and Mary Street. The property is approximately 616 square metres (6,631 square feet) in area, with 15 metres (49 feet) of frontage along Sarah Street and 15 metres (49 feet) of frontage onto Peavoy Lane at the rear. A 1-storey detached dwelling exists on the property and is situated within a residential neighbourhood. The location of the subject property is indicated on Attachment No. 1.

The applicant is proposing to construct a 2-storey, 79 square metre accessory structure (carriage house), with access from Peavoy Lane, as shown on Attachment No. 2. It is proposed to be 6.5 metres in height and contain 1 parking space and mechanical room on the ground floor, with a dwelling unit on the upper floor. The Zoning By-law does not permit a second dwelling unit within an accessory structure (Section 5.29). Further, the Zoning By-law requires that the accessory structure not occupy more than 10% of the lot, not exceed 4.3 metres in height, nor be closer than 1.2 metres to a side or rear lot line (Section 5.2.2). Therefore, the purpose of this application is to increase the maximum accessory building height from 4.3 metres to 6.5 metres, permit an accessory dwelling unit within the accessory structure of a detached dwelling; and to increase the maximum lot coverage for an accessory building from 10% to 13%.

Pending approval by the Committee of Adjustment of this application, the proposed development will comply with the Zoning By-law; however, will still require applicable permits under the Ontario Building Code.

Analysis

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:

1. Conformity with the Official Plan

The subject property is designated "Low Density Residential" in the Town of Orangeville Official Plan. Detached dwellings and accessory structures are permitted land uses pursuant to the residential policies of the Official Plan. Section E.15 of the Official Plan speaks to permissions for second dwelling units. It permits the creation of an accessory building on a lot as a second dwelling unit, subject to the provisions of the Zoning By-law. Pending approval by the Committee of Adjustment of this application, the proposed development will comply with the provisions of the Zoning By-law.

The increased height and size of the accessory building do not conflict with or offend any high-level policy direction of the Official Plan.

The proposed variances are considered to conform with the intent of the Official Plan.

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

The subject lands are zoned Residential Second Density (R2) Zone on Schedule 'A' of Zoning By-law 22-90, as amended. The R2 Zone permits a range of residential uses, including detached dwellings.

As previously described, the Official Plan provides direction to permit second dwelling units in accessory structures (Section E.15), subject to the provisions of the Zoning By-law. The Zoning By-law only permits second dwelling units within single and semi-detached dwellings (Section 5.29), provided that there is only one entrance in the front wall of the dwelling unit, and at least 3 parking spaces are provided. As such, the applicant is requesting a minor variance to permit an accessory dwelling unit only within the accessory structure of a detached dwelling. It should be noted that only one additional dwelling unit is permitted per property.

The Zoning By-law does not provide as-of-right permissions for second dwelling units within accessory structures. This provides an opportunity to individually evaluate such proposals to ensure that they are suitable for the lot, and to determine if it is appropriate for the application to proceed through a Minor Variance or a Zoning By-law Amendment. Based on the proposal, staff have determined that Minor Variance is the appropriate process.

The subject property is approximately 616 square metres (6,631 square feet) in area, and contains a 130 square metre, 1-storey detached dwelling. There is adequate space on the property to facilitate the creation of a second dwelling unit within an accessory structure at the rear of the property off of Peavoy Lane, as shown in Attachment No. 2. No additional variances for setbacks are required. Vehicular access to the accessory structure is proposed from Peavoy Lane. A total of three parking spaces are proposed. One parking space is proposed within the ground floor of the accessory structure, and two parking spaces are proposed within the driveway, meeting the parking requirements for two dwelling units. The existing driveway access onto Sarah Street is proposed to be removed.

The Zoning By-law prescribes a maximum height of 4.3 metres (Section 5.2.2) for an accessory structure, which is not adequate to facilitate a second dwelling unit above the garage. As such, the applicant is requesting a minor variance to increase the maximum accessory building height from 4.3 metres to 6.5 metres.

The purpose of the 4.3 metre height restriction is to limit accessory structures to 1-storey in order to minimize sight-line and privacy impacts on adjacent properties.

The accessory structure is proposed to have interior side yard setbacks of 2.1 metres (south) and 1.4 metres (north). This exceeds required 1.2 metre interior side yard setback for an accessory structure, and maintains the intent of the required 1.5 metre setback requirement for a 2-storey dwelling within the R2 Zone. Further, the accessory structure is proposed to be setback 7 metres from the rear property line (Peavoy Lane). This exceeds the required 1.2 metres setback for an accessory structure, and meets the

required 7.0 metre rear yard setback to a dwelling within the R2 Zone. As such, the 6.5 metre height is not anticipated to have adverse impacts associated with overlook into the neighbouring yards, while providing the required height for a dwelling unit on the second storey. In order to further mitigate any impacts, the variances are limited to the extent shown in Attachment No. 2.

The Zoning By-law prescribes a maximum lot coverage for an accessory building of 10% (Section 5.2.2). The applicant is requesting a minor variance to increase the maximum lot coverage for an accessory building from 10% to 13%.

The purpose of a lot coverage restriction is to ensure that adequate amenity area is provided. Further restricting accessory structure lot coverage to 10% is to ensure that the main dwelling is the predominant structure.

The proposed accessory structure footprint is approximately 79 square metres, or 13% of the total lot area. This size is required to provide adequate space on the ground floor of the garage for parking as well as the mechanical room, which will service the dwelling unit on the second floor. The footprint of the main dwelling is approximately 130 square metres, or 21% of the total lot area. The total proposed lot coverage is 34%, which falls below the maximum permitted lot coverage of 40%. As such, adequate amenity space is provided, and the main dwelling remains as the predominant structure.

The requested variances maintain the general intent of the Zoning By-law.

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

Single detached dwellings as well as accessory structures are permitted uses pursuant to the policies of the Zoning By-law No. 22-90. The proposed variances will not have adverse impacts on surrounding properties, while facilitating an additional unit on the property.

The requested variances are considered desirable and appropriate for the use of the land.

4. Minor in Nature

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

Infrastructure Services – Transportation & Development Comments:

Infrastructure Services has reviewed the Notice of Hearing for minor variances, Application No. A-04/22 for the property described as Lot 43, Block 7, Registered Plan 138, municipally known as 26 Sarah Street, in the Town of Orangeville. The variances are to increase the maximum accessory building height from 4.3 metres to 6.5 metres, to permit an accessory dwelling unit within the accessory structure of a detached dwelling, and to increase the maximum lot coverage for an accessory building from 10% to 13%. The variances are to permit the construction of an accessory building.

Infrastructure Services is not aware of any grading, drainage or servicing issues that would preclude the granting of these minor variances. Concluding, Infrastructure Services, Transportation and Development Division does not object to granting the minor variances to increase the maximum accessory building height from 4.3 metres to 6.5 metres, to permit an accessory dwelling unit within the accessory structure of a detached dwelling and to increase the maximum lot coverage for an accessory building from 10% to 13%.

Strategic Alignment

Orangeville Forward – Strategic Plan

Priority Area: Sustainable Infrastructure

Objective: Plan for Growth

Sustainable Neighbourhood Action Plan

Theme: Land Use and Planning

Strategy: Co-ordinate land use and infrastructure planning to promote healthy, liveable and safe communities

Prepared by

Larysa Russell, MCIP, RPP
Senior Planner, Infrastructure Services

Attachment(s): 1. Location Map
2. Site Plan & Elevations









