

Agenda Committee of Adjustment Meeting

Wednesday, August 3, 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 be 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: +1 289-801-5774 Conference ID# 269 703 203#

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

- 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:

2022-06-01 Committee of Adjustment Minutes

- 3.1. 2022-06-01 Committee of Adjustment
- 4. Statutory Public Hearing

4.1. File No. A10/22 - 71 Mill Street

In the matter of an application by Damian and Kym Stezinar for a minor variance to Zoning By-law 22-90, as amended, on property described as Part of Lots 35 & 36, Part of Lane, Block 7, Registered Plan 138 municipally known as 71 Mill 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 height of an accessory building from 4.3 metres to 5.8 metres, to reduce the minimum interior side yard setback of an accessory building from 1.2 metres to 0.60 metres, to increase the maximum lot coverage for accessory buildings from 10% to 11%, and to increase the maximum lot coverage from 35% to 36% in order to construct a detached garage.

4.1.1. Planning Report - A-10-22 - 71 Mill Street

Recommendations:

That Planning Report – A10-22 – 71 Mill Street, be received;

And that the Minor Variance Application (File No. A10-22) to increase the maximum height of an accessory building from 4.3 metres to 5.8 metres, to reduce the minimum interior side yard setback of an accessory building from 1.2 metres to 0.60 metres, to increase the maximum lot coverage for accessory buildings from 10% to 11%, and to increase the maximum lot coverage from 35% to 36%, be approved, generally in accordance with the submitted site plan.

4.2. File No. A11/22 - 311A Broadway

In the matter of an application by 2847162 Ontario Inc. for a minor variance to Zoning By-law 22-90, as amended, on property described as Lots 11 & 25, Part of Lots 10 & 24, Plan 237, Block 2 municipally known as 311A Broadway, 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 First Density (R1) Zone".

Explanatory note:

The applicant is requesting a minor variance to permit an office in an existing building.

4.2.1. Planning Report - A11-22 - 311A Broadway

Recommendations:

That Planning Report – A11-22 – 311A Broadway, be received;

And that the Minor Variance Application (File No. A11-22) to permit an office in an existing building, be approved, subject to the following condition:

- 1. That the variance be approved for a temporary period of two (2) years from the date of the Committee's decision.
- 5. Items for Discussion
- 6. Correspondence None.
- 7. New Business
- 8. Date of Next Meeting

 The next meeting is scheduled for September 7, 2022 at 6 p.m.
- 9. Adjournment



Minutes of a Committee of Adjustment Meeting Electronic Participation

June 1, 2022, 6:00 p.m. Chair and Secretary-Treasurer Participating Remotely The Corporation of the Town of Orangeville

Members Present: Jason Bertrand

Rita Baldassara

S. Wilson

Councillor T. Taylor

Regrets: Alan Howe

Staff Present: L. Russell, Senior Planner

T. MacDonald, Acting 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 Todd Taylor

That the minutes of the following meeting are approved:

2022-05-04 Committee of Adjustment Minutes

Carried

3.1 2022-05-04 Committee of Adjustment

4. Statutory Public Hearing

4.1 File No. A08/22 - 243 Broadway

4.1.1 Planning Report – A08-22 – 243 Broadway

The Chair asked if anyone wished to speak in support of the application.

Tom Phelan, on behalf of the owners indicated the request is as described in the agenda.

The Chair asked if anyone else wished to speak in support of the application and there were none.

The Chair asked if anyone wished to speak in opposition to the application and there were none.

The Chair asked for questions or comments from the committee members.

Councillor Taylor indicated he had no issues with the application.

Ms. Baldassara asked what the proposed use of the property is.

Glenn Ridler, owner indicated that the plan is to return the property to a residential use and utilize the property as their own residence.

Mr. Wilson commented that he is looking forward to seeing the restoration of the property.

Moved by Rita Baldassara

That Planning Report – A08-22 – 243 Broadway, be received;

And that the Minor Variance Application (File No. A08-22) to reduce the minimum interior side yard from 1.8 metres to 0.7 metres, to reduce the minimum exterior side yard from 3.5 metres to 2.9 metres, and to increase the maximum lot coverage from 30% to 40%, be approved, generally in accordance with the submitted site plan.

Carried

4.1.2 Report from Heritage Orangeville dated May 15, 2022

4.2 File No. A09/22 - 450 Town Line

4.2.1 Planning Report - A09-22 - 450 Town Line

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

Jesse Edmunds, Orangeville Minor Baseball indicated that he appreciated the committee reviewing the application and is looking forward to a positive outcome.

The Chair asked if anyone else wished to speak in favour of the application and there were none.

The Chair asked if anyone wished to speak in opposition and there were none.

The Chair asked members if they had questions or comments.

Councillor Taylor indicated that this matter was recently before Council and grant money was provided to the organization and that he is in favour of the application moving forward.

The Chair asked if there were other members who wished to provide questions or comments and there were none.

Moved by Todd Taylor

That Planning Report – A09-22 – 450 Town Line, be received;

And that the Minor Variance Application (File No. A09-22) to reduce the minimum exterior side yard from 15 metres to 5

metres, be approved, generally in accordance with the submitted site plan.

Carried

4.2.2 Report from Annie Li, Planner, Planning and Development Services, Credit Valley Conservation dated May 27, 2022

Moved by Rita Baldassara

That Report from Annie Li, Planner, Planning and Development Services, Credit Valley Conservation dated May 27, 2022, be received.

Carried

5. Items for Discussion

None.

6. Correspondence

None.

7. New Business

None.

8. Date of Next Meeting

The next meeting is scheduled for July 6, 2022.

9. Adjournment

The meeting was adjourned at 6:17 p.m.





Subject: Planning Report – A10-22 – 71 Mill Street

Department: Infrastructure Services

Division: Planning

Meeting Date: 2022-08-03

Recommendations

That Planning Report – A10-22 – 71 Mill Street, be received;

And that the Minor Variance Application (File No. A10-22) to increase the maximum height of an accessory building from 4.3 metres to 5.8 metres, to reduce the minimum interior side yard setback of an accessory building from 1.2 metres to 0.60 metres, to increase the maximum lot coverage for accessory buildings from 10% to 11%, and to increase the maximum lot coverage from 35% to 36%, be approved, generally in accordance with the submitted site plan.

Introduction

Legal Description: Part of Lots 35 & 36, Part of Lane, Block 7, Registered Plan 138

Municipal Address: 71 Mill Street

Applicant(s): Damian & Kym Stezinar

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

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

Purpose: The applicant is requesting minor variances to:

- (1) increase the maximum height of an accessory building from 4.3 metres to 5.8 metres:
- (2) to reduce the minimum interior side yard setback of an accessory building from 1.2 metres to 0.60 metres;
- (3) to increase the maximum lot coverage for accessory buildings from 10% to 11%; and
- (4) to increase the maximum lot coverage from 35% to 36%

These variances are to permit the construction of a detached garage.

Background

The subject property is legally described as Part of Lots 35 & 36, Part of Lane, Block 7, Registered Plan 138, and is municipally known as 71 Mill Street. It is located on the east side of Mill Street between Church Street and Mary Street. The property is approximately 486 square metres (5,231 square feet) in area, with 11.43 metres (37.5 feet) of frontage along Mill Street. A 2-storey detached dwelling exists on the property and is situated within a primarily residential area. The dwelling is included on the Town's Municipal Heritage Register of Properties of Cultural Value or Interest, as non-designated. The location of the subject property is indicated on Attachment No. 1.

The applicant is proposing to construct a 2-storey detached garage at the rear of the existing dwelling, as shown on Attachment No. 2. The existing shed will be removed. The General Provisions of the Zoning By-law stipulate that an accessory building shall not occupy more than 10% of the lot, exceed 4.3 metres in height, nor be closer than 1.2 metres to a side lot line (Section 5.2.2). Further, the Zoning By-law prescribes a maximum lot coverage of 35% (Section 8.2.8).

The proposed garage has a height of 5.8 metres and is setback 0.6 metres from the interior (south) property line, mimicking the setback of the existing shed which will be removed. The gross floor area from the garage counts towards the total lot coverage permissions for the property. Collectively it brings the total lot coverage for the property to approximatley 36% when combined with the existing dwelling. Therefore, the purpose of this application is to increase the maximum height of an accessory building from 4.3 metres to 5.8 metres, to reduce the minimum interior side yard setback of an accessory building from 1.2 metres to 0.60 metres, to increase the maximum lot coverage for accessory buildings from 10% to 11%; and to increase the maximum lot coverage from 35% to 36%, in order to permit the construction of a detached garage.

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 are permitted land uses pursuant to the policies of the Official Plan. The variances needed to facilitate the proposed garage do not 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 single detached dwellings.

Section 5.2.2 of the By-law prescribes a minimum interior side yard setback of 1.2 metres to an accessory building. The applicant is requesting a minor variance to reduce the minimum interior side yard setback for an accessory structure from 1.2 metres to 0.6 metres to construct a 2-storey detached garage.

The purpose of a side yard setback is to provide ease of access to the rear amenity area, allow for property maintenance, and ensure privacy between properties.

There is an existing shed in a similar location on the property, which is currently setback approximatley 0.6 metres from the interior (south) property line. The new garage proposes to mimic this existing condition. As such, the proposed 2-storey garage is similar to the existing condition and does not further impede the ability for maintenance or rear yard access.

Further, the proposed garage does not contain any new windows on the southerly (interior) side. This eliminates any concerns associated with overlook into the neighbouring rear yard. In order to further mitigate any impacts, planning staff have recommended that the reduced side yard setback is only to the extent of the proposed garage, as shown in Attachment 2.

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 storey above the garage. The applicants are requesting a minor variance to increase the maximum accessory building height from 4.3 metres to 5.8 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.

As previously described, the 2-storey garage is proposed to have an interior (south) side yard setback of 0.6 metres (south), mimicking the existing shed condition. It does not contain any new windows on the southerly (interior) side, and is proposed to be used as an office and storage space, as opposed to a habitable dwelling unit. This eliminates any concerns associated with overlook into the neighbouring rear yard.

The Zoning By-law prescribes a total maximum lot coverage of 35% (Section 8.2.8) and a maximum lot coverage for an accessory building of 10% (Section 5.2.2). The applicants are requesting a minor variance to increase the total lot coverage from 35% to 36% and the lot coverage for an accessory building from 10% to 11%.

The purpose of the lot coverage restriction is to ensure that adequate amenity area is provided and that there are opportunities for landscaping. Lot coverage is defined as "part of the lot covered by a building or other structure including an accessory building or structure". Further restricting accessory structure lot coverage to 10% is to ensure that the dwelling is the predominant structure.

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The proposed accessory structure footprint is approximately 49 square metres, or 11% of the total lot area. This size is required to provide adequate space on the ground floor of the garage for parking (approximatley 2 cars in tandem), and adequate loft space for an office and storage. The footprint of the existing dwelling is approximately 123 square metres, or 25% of the total lot area. As such, the dwelling remains as the predominant structure on the property. When combining the footprints of the dwelling and proposed garage, the total proposed lot coverage is 36%. Given that this is only 1% more than the maximum, staff are satisfied that adequate amenity space will be available on the property and that the increase in lot coverage will not have any adverse impacts.

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 detached garages, are permitted pursuant to the policies of the Zoning By-law No. 22-90. The proposed variances will not have adverse impacts on surrounding properties, while providing covered parking and storage space 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-10/22 for the property described as Part of Lots 35 & 36, Part of Lane, Block 7, Registered Plan 138 municipally known as 71 Mill Street in the Town of Orangeville. The minor variances are to increase the maximum height of an accessory building from 4.3 metres to 5.8 metres, to reduce the minimum interior side yard setback of an accessory building from 1.2 metres to 0.60 metres, to increase the maximum lot coverage for accessory buildings from 10% to 11%, and to increase the maximum lot coverage from 35% to 36% in order to construct a detached garage.

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 the minor variances to increase the height of an accessory building from 4.3 metres to 5.8 metres, to reduce the minimum interior side yard setback of an accessory building from 1.2 metres to 0.60 metres, to increase the maximum lot coverage for accessory buildings from 10% to 11%, and to increase the maximum lot coverage from 35% to 36% in order to construct a detached garage.

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 Reviewed by

Larysa Russell, MCIP, RPP Brandon Ward, MCIP, RPP

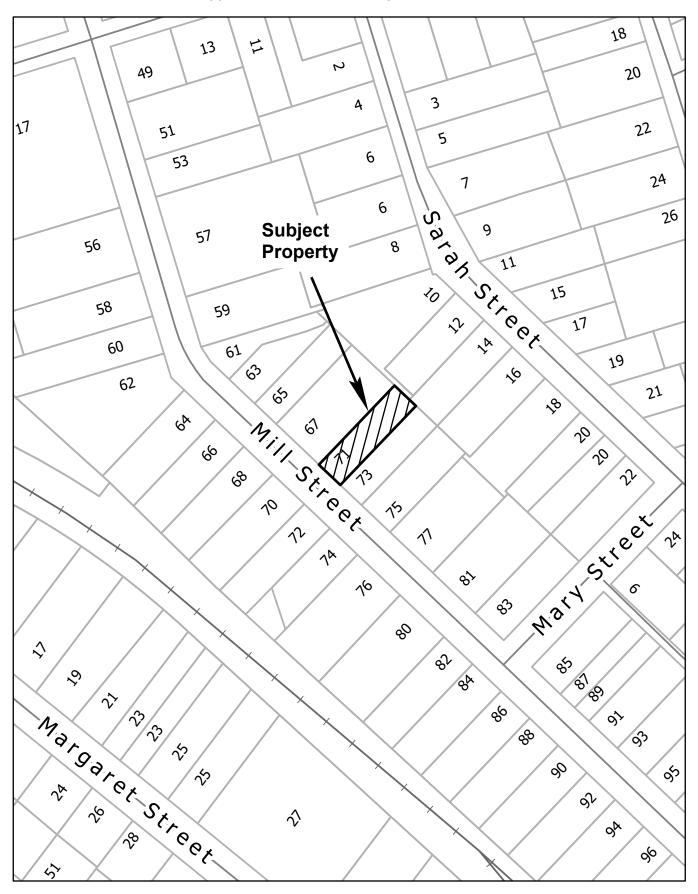
Senior Planner, Infrastructure Services Planning Manager, Infrastructure Services

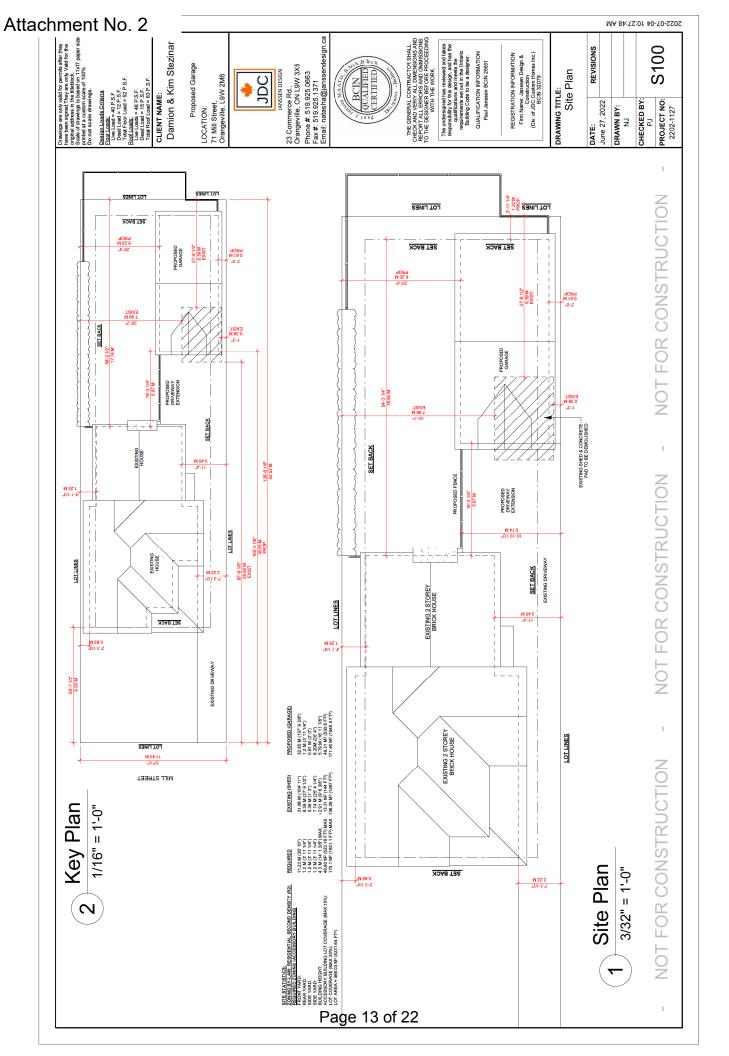
Attachment(s): 1.Location Map

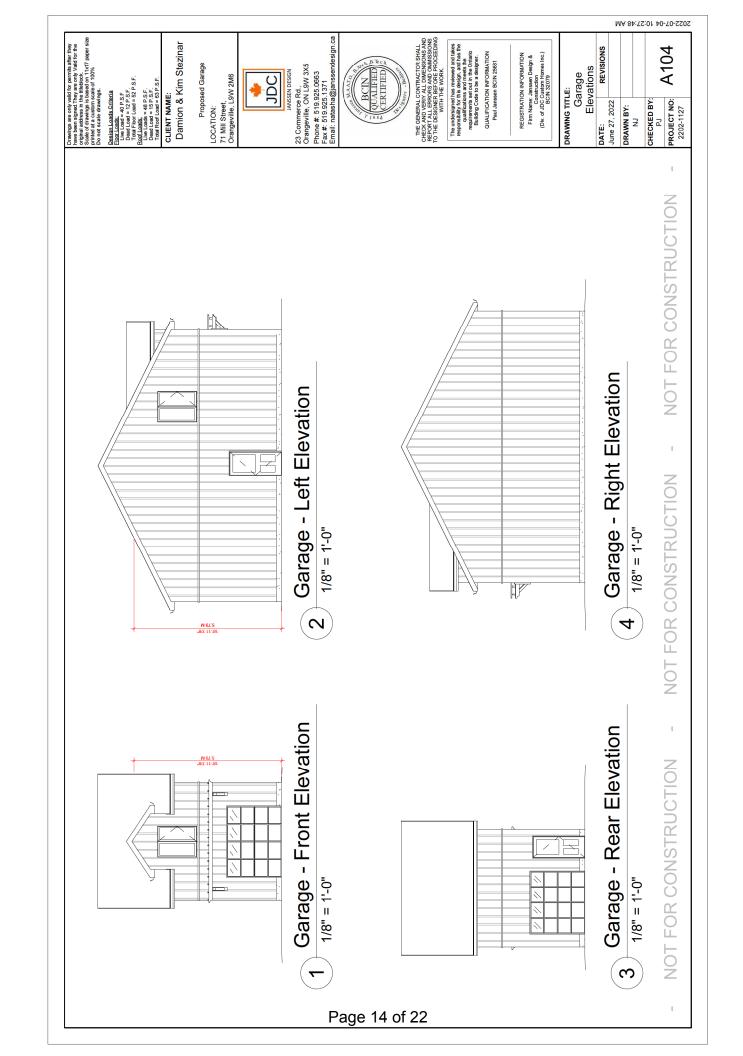
2. Site Plan, Elevations & Floor Plans

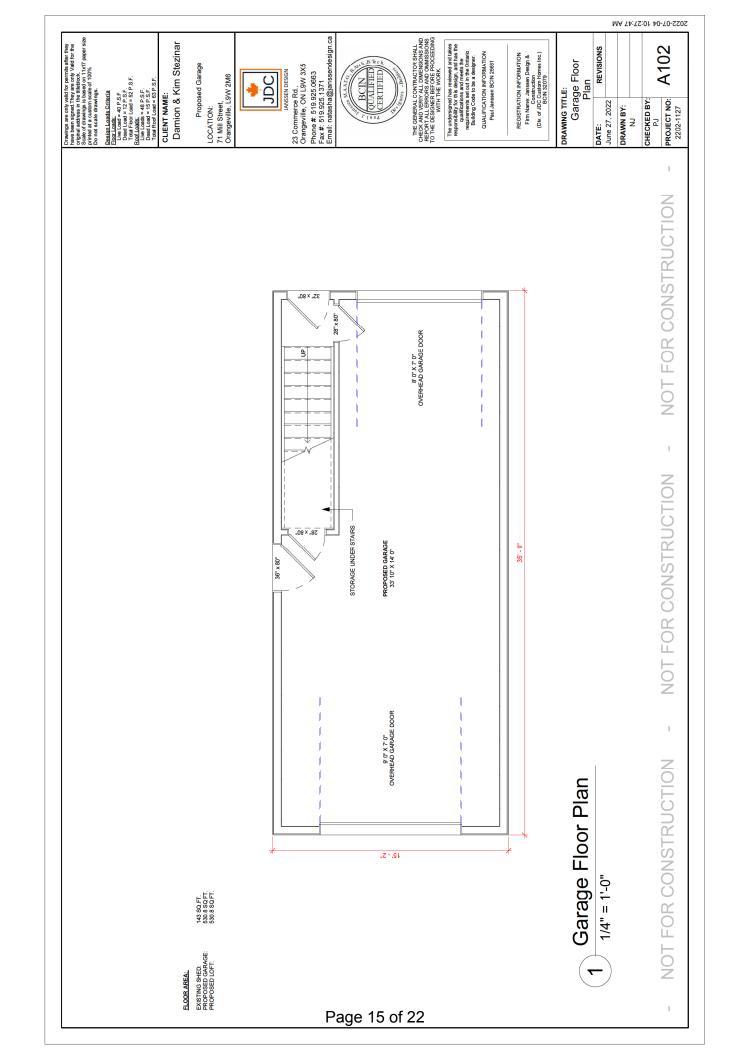
Location Map File: A-10/22

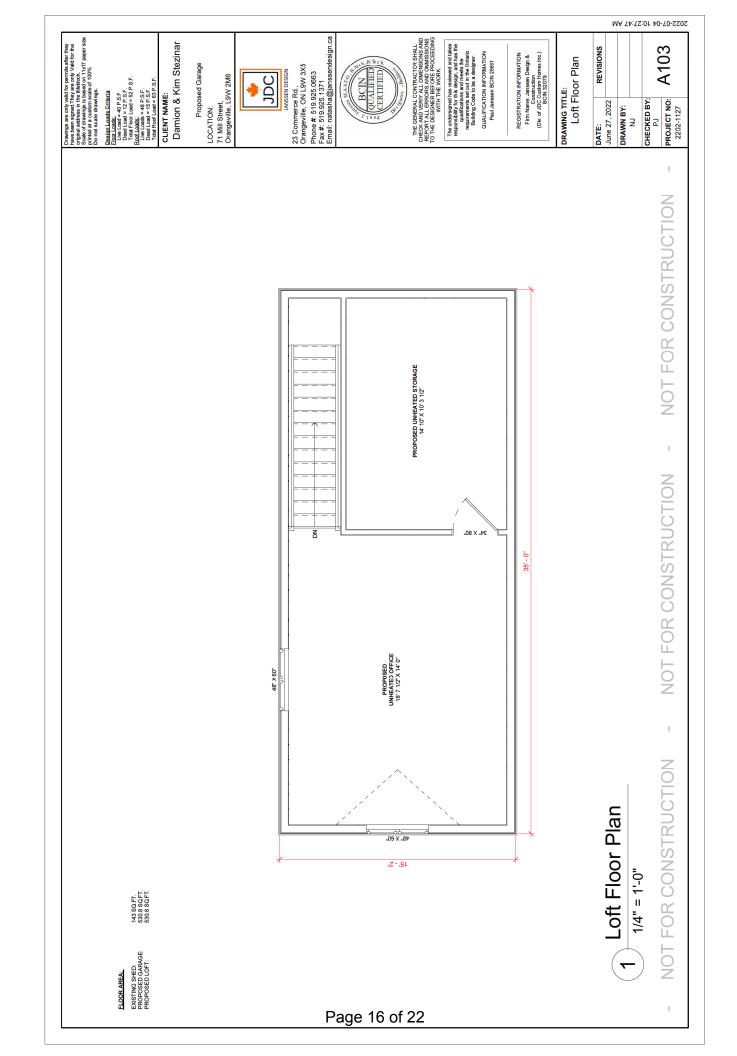
Applicants: Damian and Kym Stezinar















Subject: Planning Report – A11-22 – 311A Broadway

Department: Infrastructure Services

Division: Planning

Meeting Date: 2022-08-03

Recommendations

That Planning Report – A11-22 – 311A Broadway, be received;

And that the Minor Variance Application (File No. A11-22) to permit an office in an existing building, be approved, subject to the following condition:

1. That the variance be approved for a temporary period of two (2) years from the date of the Committee's decision.

Introduction

Legal Description: Lots 11 & 25, Part of Lots 10 & 24, Block 2, Plan 237

Municipal Address: 311A Broadway

Applicant(s): 2847162 Ontario Inc.

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

Zoning (By-law 22-90): Residential First Density (R1) Zone

Purpose: The applicant is requesting a minor variance to permit an

office in an existing building.

Background

The subject property is legally described as Lots 11 & 25, Part of Lots 10 & 24, Block 2, Plan 237, and is municipally known as 311A Broadway. It is located on the north side of Broadway, between Ada Street and Banting Drive. The property is approximately 1,649 square metres (17,750 square feet) in area. Given that the property is a through lot, it has 19 metres (62.5 feet) of frontage along both Broadway and Zina Street. A 1-storey place of worship exists on the property and is situated within a mixed-use area. The location of the subject property is indicated on Attachment No. 1.

The applicant is proposing to convert the existing place of worship into an office space which is proposed to be occupied by Edify, as shown on Attachment No. 2. Edify is a mental health centre which provides counselling services. This use is not permitted, and therefore the purpose of this application is to permit an office use within the existing building.

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 "Residential" in the Town of Orangeville Official Plan. Single detached dwellings are permitted uses pursuant to the policies of the Official Plan (Section E1.4.2). Further, public and private uses which are considered compatible and complimentary to the residential designation are also permitted. These uses include, but are not limited to: schools, cemeteries, religious institutions, meeting halls, hospitals, convalescent homes, boarding houses, group homes, nursing homes, retirement homes, crisis care facilities, nursery schools and public parks and recreational facilities (Section E1.3).

The proposed mental health centre offers a public service that is considered compatible and complimentary to the residential designation, and does not offend any high-level policy direction of the Official Plan.

The proposed variance is 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 First Density (R1)" on Schedule 'A' of Zoning By-law 22-90, as amended. The R1 Zone permits single detached dwellings, a crisiscare facility and group home. The existing place of worship is a legal non-conforming use, which would cease to be permitted should the variance for an office use be granted.

Section 17.1 of the By-law prescribes the permitted uses within the R1 zone, which do not include an office. Staff understand that the applicant has intentions of redeveloping the property in the future. However, at this time, the applicant is seeking a minor variance to permit an office within the existing building on an interim basis. The building is proposed to be occupied by Edify, a mental health centre which provides counselling services.

Typically land use changes and use permissions should be considered through a rezoning application in order to ensure the use is compatible with surrounding uses and will not result in adverse impacts. Currently, in addition to single detached dwellings, the R1 zone permits a "crisis-care facility" which is defined as:

"a non-profit establishment that is located within a free-standing building and that provides counselling, assistance and shelter for persons requiring immediate assistance for a short period of time, and without limiting the generality of the foregoing, shall include a halfway house, women's shelter or a youth hostel operated on a non-profit basis."

Although the proposed office use does not fit within the specific definition of a "crisis care facility" it can be considered similar in terms of being complimentary and compatible with the existing residential zone. Further, the proposed use meets all other performance standards of the by-law including parking.

Permitting the office use would allow a business to operate within the existing place of worship with minimal changes to the property. In order to ensure that the use is temporary in nature, and to recognize it as an interim use for the existing building, staff have recommended that the variance be approved for a temporary period of two (2) years from the date of Committee's decision. Should the applicant choose to continue the use beyond a temporary 2-year period, a rezoning application would be more appropriate to evaluate a more permanent change in land use.

Subject to the recommended condition, the requested variance maintains the general intent of the Zoning By-law.

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

The proposed office use will not have adverse impacts on surrounding properties, while allowing a business to make use of the existing building.

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

4. Minor in Nature

In consideration of the foregoing, the application for a minor variance 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 a minor variance, Application No. A-11/22 for the property described as Lots 11 & 25, Part of Lots 10 & 24, Block 2, Plan 237 municipally known as 311A Broadway, in the Town of Orangeville. The minor variance is to permit an office use in an existing building.

Infrastructure Services is not aware of any grading, drainage or servicing issues 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 an office use in an existing building.

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 Reviewed by

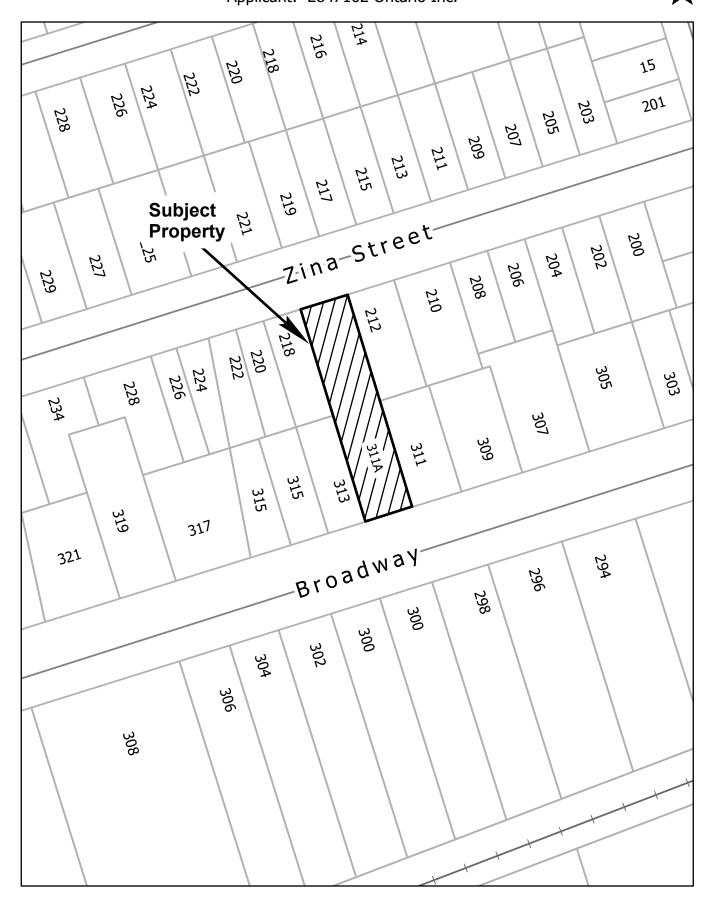
Larysa Russell, MCIP, RPP Brandon Ward, MCIP, RPP

Senior Planner, Infrastructure Services Planning Manager, Infrastructure Services

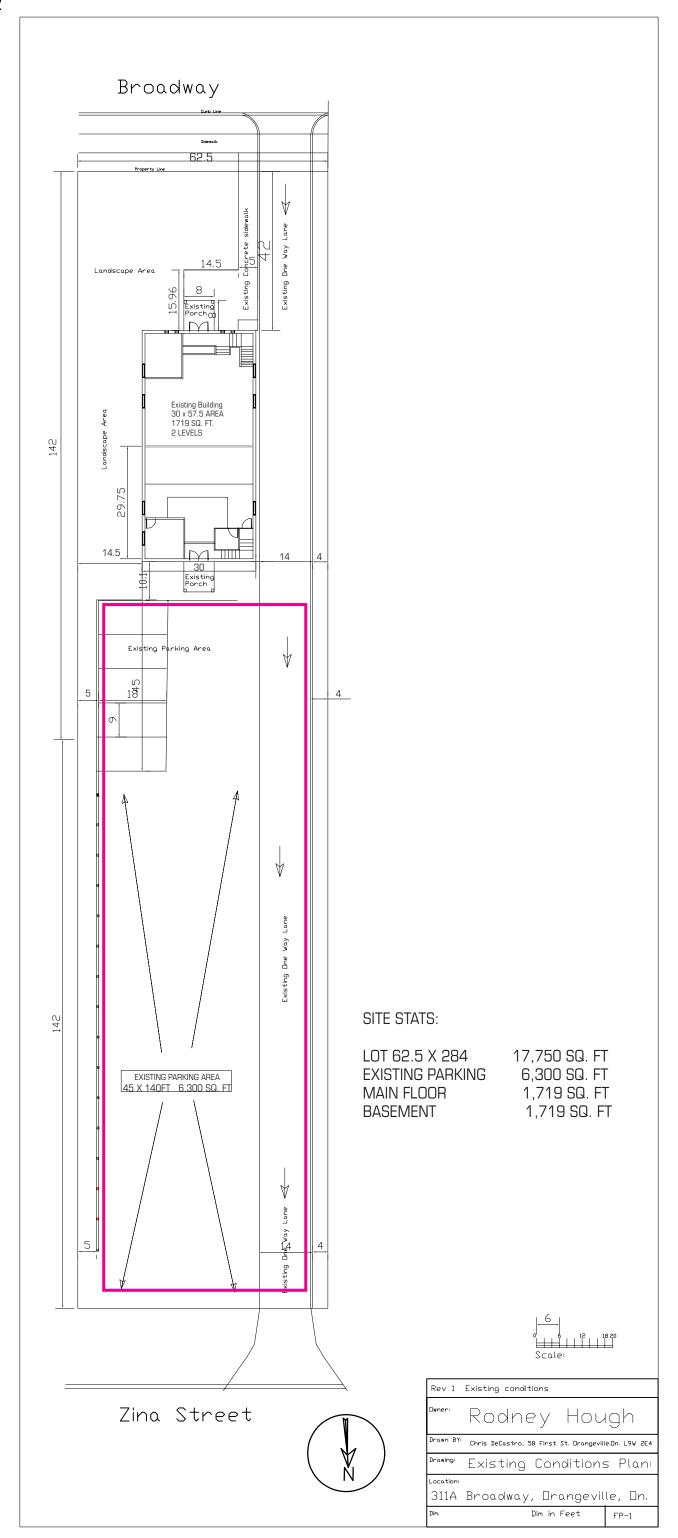
Attachment(s): 1.Location Map

2. Site Plan

Location Map File: A-11/22 Applicant: 2847162 Ontario Inc.



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