

Agenda Committee of Adjustment Meeting

Wednesday, October 2, 2024, 6:00 p.m. Electronic and In-Person Participation - Committee of Adjustment The Corporation of the Town of Orangeville (Chair and Secretary-Treasurer at Town Hall - 87 Broadway) Orangeville, Ontario

NOTICE

Members of the public wishing to view Committee of Adjustment meetings will have the option to attend in-person or by calling 1-289-801-5774 and entering Conference ID: 354 471 701# 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.

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

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 2242 or via email at clerksdept@orangeville.ca

1. Call to Order

2. Disclosures of (Direct or Indirect) Pecuniary Interest

3. Land Acknowledgement

We would like to acknowledge the treaty lands and territory of the Williams Treaty Nations and the Mississaugas of the Credit First Nation. We also recognize that Dufferin County is the traditional territory of the Wendat and the Haudenosaunee, and is home to many Indigenous people today.

4. Adoption of Minutes of Previous Meeting

Recommendations:

That the minutes of the following meeting are approved:

4.1 2024-09-04 Committee of Adjustment Meeting Minutes

5. Statutory Public Hearing

5.1 File No. A-10/24 - 324 Perry Road

In the matter of an application by Davinder Mangat for a minor variance to Zoning Bylaw 22-90, as amended, on property described as Part of Lot 169, Plan 43M-1187 municipally known as 324 Perry 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 "Residential Sixth Density (R6)".

Explanatory note:

The applicant is requesting a minor variance to Zoning By-law No. 22-90, as amended, for the subject property, to:

1. increase the rear yard encroachment for stairs from 0.6 metres to 1.57 metres into the required rear yard.

The purpose of the requested variance is to construct below-grade entry stairs.

 5.1.1 Planning Report – Application No A-10/24 – 324 Perry Road, PLA-2024-012 Recommendations: That Planning Report A-10/24 – 324 Perry Road be received;

And that the Minor Variance Application (File No. A-10/24) to increase the maximum permitted rear yard encroachment from 0.6 metres to 1.57 metres into the required rear yard to permit the construction of below grade entry stairs be approved.

5.2 File No. A-11/24 - 21 Centre Street

In the matter of an application by Rob Mair for a minor variance to Zoning By-law 22-90, as amended, on property described as Part of Lot 6, Plan 170, municipally known as 21 Centre 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 "Multiple Residential Medium Density (RM1)".

Explanatory note:

The applicant is requesting a minor variance to Zoning By-law No. 22-90, as amended, for the subject property, to:

1. reduce the minimum rear yard from 10 metres to 6.1 metres.

The purpose of the requested variance is to permit the construction of a multiple dwelling.

5.2.1 Planning Report – Application No. A-11/21 – 21 Centre Street, PLA-2024-013

Recommendations:

That Planning Report – A-11/24 – 21 Centre Street be received;

That Minor Variance Application (File No. A11/24) to reduce the minimum rear yard from 10 metres to 6.1 metres be approved subject to the following conditions:

- 1. That a satisfactory Low Impact Development Brief is submitted as part of an application for site plan approval; and,
- 2. That the minor variance be limited to the extent shown in accordance with the approved site plan drawings for the proposed development at 21 Centre Street.
- 6. Items for Discussion None.
- 7. Correspondence None.
- 8. Announcements
- 9. Date of Next Meeting The next meeting is scheduled for November 6, 2024.
- 10. Adjournment



Minutes of a Committee of Adjustment Meeting

Electronic Participation

September 4, 2024, 6:00 p.m. Electronic and In-Person Participation - Committee of Adjustment The Corporation of the Town of Orangeville (Chair and Secretary-Treasurer at Town Hall - 87 Broadway) Orangeville, Ontario

Members Present:	Alan Howe, Chair Ashley Harris, Vice-Chair Rita Baldassara Michael Demczur
Regrets:	B. Wormington
Staff Present:	M. Adams, Secretary-Treasurer J. Lavecchia-Smith, Deputy Secretary-Treasurer M. Mair, Development Planner S. Pottle, Planning Technician

1. Call to Order

The Chair called the meeting to order at 6 p.m.

2. Disclosures of (Direct or Indirect) Pecuniary Interest

None.

3. Land Acknowledgement

The Chair acknowledged the treaty lands and territory of the Williams Treaty Nations and the Mississaugas of the Credit First Nation. The Chair also recognized that Dufferin County is the traditional territory of the Wendat and the Haudenosaunee, and is home to many Indigenous people today.

4. Adoption of Minutes of Previous Meeting

Moved by Michael Demczur

That the minutes of the following meeting are approved:

4.1 2024-08-07 Committee of Adjustment Meeting Minutes

Carried

5. Statutory Public Hearing

- 5.1 File No. A-07/24 40 Centennial Road
 - 5.1.1 Planning Report A-07/24 40 Centennial Road, PLA-2024-010

The Chair asked Matthew Mair, Development Planner, to speak to the application. Mr. Mair provided the Committee with an overview of the application and the rationale for the recommendation. The Chair asked if anyone would like to speak to the application. Albert Borgo, Quality Cheese Inc., spoke to the application and said that he will adhere to the landscaping condition of the minor variance. The Committee asked questions about the removal of the trees, building permit requirements, and the other proposed silos shown on the site plan drawing and received a response from staff.

Moved by Rita Baldassara

That Planning Report – A-07/23- 40 Centennial Road, dated September 4th 2024, be received:

That Minor Variance – Application File No. A-07/24 to permit 12 silos in front of the front wall of the main building on the property, be approved, subject to the following condition;

That the applicant/owner submit a satisfactory landscape plan detailing landscape improvement works to be carried out along the frontage of the building to mitigate the visual impact of the proposed silos and related equipment, to the satisfaction of the Town.

Carried

5.2 File No. A-08/24 - 2 Fead Street

5.2.1 Planning Report – A-08/24 – 2 Fead Street, PLA-2024-007

The Chair asked Mr. Mair to speak to the application. Mr. Mair provided the Committee with an overview of the application and the rationale for the recommendation. The Chair asked if anyone would like to speak to the application. There was nobody in attendance to speak to the application. The Committee asked questions regarding the current parking situation on the site, the holding symbol on the property, and for clarification on the minor variance being sought and received a response from staff.

Moved by Michael Demczur

That Planning Report – A-08/24 – 2 Fead Street be received;

That Minor Variance Application File No. A-08/24 to allow a basement dwelling unit without the required parking space, be approved.

Carried

5.3 File No. A-09/24 - 62 Mill Street

5.3.1 Planning Report – A-09/24 – 62 Mill Street, PLA-2024-011

The Chair asked Susan Pottle, Planning Technician, to speak to the application. Ms. Pottle provided the Committee with an overview and the rationale for the recommendation. The Chair asked if the applicant would like to speak to the application. Marianne Zach, property owner, spoke about the proposed accessory building and advised that she doesn't require the deck, however the staircase is required to access the dwelling unit above. The Chair asked if anyone else would like to speak. David Carbert, 64 Mill Street advised concerns regarding privacy. He objects to the application as the proposed deck and windows will be directly adjacent to his property. Ms. Zach responded that she is willing to remove the deck and the window above the door, however, she wants to keep the additional windows outlined in Attachment 2. The Committee asked questions regarding privacy, relocating the building, redesigning the floor plan, and the height of the existing home and received a response from staff.

Note: The Committee recessed from 7:02 p.m. to 7:06 p.m.

Moved by Ashley Harris

That Planning Report A-09/24 – 62 Mill St. be received;

And that the Minor Variance Application (File No. A-09/24) to permit an increase in the maximum permitted height of an accessory structure from 4.3 metres to 5.99 metres be approved, generally in accordance with the submitted plans, and subject to the following condition:

1. That any deck associated with the accessory building shall only be permitted adjacent to the rear (west) or north side of the building.

Carried

5.3.2 Correspondence submitted by David Carbert & Karen Daughton - August 27, 2024

5.4 File No. B-02/24 - 17 & 19 McCarthy Street

5.4.1 Planning Report – B-02/24 – 17 and 19 McCarthy Street, PLA-2024-009

The Chair asked Mr. Mair to speak to the application. Mr. Mair provided the Committee with an overview of the application and the rationale for the recommendation. The Chair asked if the applicant would like to speak to the application. Wayne Ball, solicitor for the applicant, provided the history of the two properties, and explained that over the years the two properties inadvertently merged on title. Since they were previously two separate properties with two separate PINs, he is requesting the condition for the reference plan be waived. Laurie Highbecker, one of the owners, spoke to the existing accessory buildings on the properties. The Committee asked questions regarding waiving the requirement for a reference plan, and the reasons for condition 2 and received a response from staff.

Moved by Ashley Harris

That Planning Report – B-02/24 – 17 and 19 McCarthy Street be received;

And that Consent Application B-02/24 to sever a parcel of lands into two pre-existing parcels which have merged on-title the Planning Act, with the severed parcel being 17 McCarthy Street and the retained parcel being 19 McCarthy Street, be approved, subject to the following conditions:

- 1. That the applicant/owner provide satisfactory legal descriptions (or draft transfer documents containing same) to the satisfaction of the Town.
- 2. That the applicant/owner submit confirmation to the satisfaction of the Planning Division, that the severed and retained parcels, including the location of any existing structure(s) and parking areas thereon, conform to the requirements of the Zoning By-law or alternatively, the applicant/owner apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law.
- 3. That any outstanding municipal taxes, fees or charges be paid in full.
- 4. That all above conditions be fulfilled within two (2) years of the date of the Notice of Decision, so that the Town is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.

Carried

6. Items for Discussion

None.

7. Correspondence

None.

8. Announcements

None.

9. Date of Next Meeting

The next meeting is scheduled for October 2, 2024 at 6 p.m.

10. Adjournment

The meeting was adjourned at 7:30 p.m.



Report

Subject:	Planning Report – Application No A-10/24 – 324 Perry Road
Department:	Infrastructure Services
Division:	Committee of Adjustment
Meeting Date:	2024-10-02

Recommendations

That Planning Report A-10/24 – 324 Perry Road be received;

And that the Minor Variance Application (File No. A-10/24) to increase the maximum permitted rear yard encroachment from 0.6 metres to 1.57 metres into the required rear yard to permit the construction of below grade entry stairs be approved.

Introduction

Legal Description:	PLAN 43M-1187 PT LOT 169 RP;7R4408 PARTS 5 & 6
Municipal Address:	324 Perry Road, Orangeville
Applicants:	Davinder Mangat c/o Sukhdeep Bhangu
Official Plan Designation:	Low Density Residential
Zoning (By-law 22-90):	Residential Sixth Density (R6), Special Provision 24.84
Purpose:	The applicant is requesting a minor variance to increase the rear yard encroachment for basement stairs from 0.6 metres to 1.57 metres in the Residential Sixth Density (R6) Zone.

Background

The Perry Road neighbourhood is located on the East side of Orangeville. It is designated Residential in the Town's Official Plan and is zoned Residential, Sixth Density (R6). The neighbourhood consists of two storey detached and semi-detached dwellings. The subject property is approximately 33.5 metres in depth with a frontage of 7.6 metres and an area of 254.6 square metres. A 2-storey detached dwelling exists on the property (Attachment 1).

The applicants submitted a building permit application for the construction of below grade entry stairs and a second dwelling unit. The Zoning By-law currently permits a maximum encroachment of 0.6 metres into any yard for structures, including stairs (Section 5.22). The Planning Division determined that the required rear yard setback was not met and requested that the applicant submit an application for a minor variance.

Analysis

Section 45(1) of the Planning Act, RSO 1990, as amended, stipulates that a Committee of Adjustment may authorize a minor variance from the provision of a Zoning By-law if, in the committee's opinion, the variance meets four tests:

1. Conformity with the Official Plan

The subject property is designated as Low Density Residential in the Town of Orangeville Official Plan (Schedule C). The Low Density Residential designation permits residential uses on the property. The existing and proposed uses of the dwelling are residential, and therefore it is staff's opinion that the application conforms to the intent and purpose of the Town's Official Plan.

2. General Intent and Purpose of the Zoning By-law

The subject property is zoned Residential, Sixth Density (R6) in Zoning By-law 22-90, as amended. The R6 zone permits a range of residential uses including single and semi-detached dwellings. The required rear yard setback for Single Detached Dwellings in the R6 zone is 7.0 metres. Section 5.22 (1) permits stairs to encroach up to 0.6 metres into any yard, provided a setback of at least 0.6 metres is maintained. The proposed stairs encroach 1.57 metres into the rear yard setback, reducing the rear yard setback to 5.53 metres (Attachment 2).

The general intent of a rear yard setback is to provide adequate rear yard amenity space and reduce potential overlook and privacy issues. In addition, the maintenance of 0.6 metres minimum is to ensure adequate drainage between properties and ensure there is access around the dwelling and associated structures in the event of an emergency.

This application is for an increased encroachment for basement stairs only. The existing setback of 7.1 metres to the dwelling itself remains. The basement stairs are approximately 1.57 metres in width and 4.09 metres in length, and thus the rear yard amenity space is reduced by approximately 6.42 square metres. The remainder of the rear yard is unchanged. Basement stairs do not present overlook or privacy concerns because they are below grade and the reduced rear yard setback of 5.53 metres provides adequate space for drainage and emergency access. For comparison, semi-detached dwellings in the neighbourhood have been granted permissions for a reduced rear yard setback of 4.5 metres through Special Provision 24.84. For these reasons, it is staff's opinion that the requested variance will not create substantial adverse impacts and maintains the general intent and purpose of the Town's Zoning By-law.

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

The appropriate use of the land is residential. The basement stairs will facilitate a basement apartment and increase rental housing options in the area. Given the minimal existing side yard setbacks (0.33 metres and 1.27 metres), construction of basement access stairs on either side of the dwelling is not an option. Based on this and that the basement stairs are not expected to have adverse impacts on the abutting properties, it is staff's opinion that the application is desirable for the appropriate development of the property.

4. Minor in Nature

Based on the above analysis, the requested variance is considered to be minor in nature.

Infrastructure Services – Transportation & Development Comments:

Transportation and Development has reviewed the proposed minor amendment before the Committee of Adjustment and do not have any concerns in principle. The applicant is made aware that the grading and drainage scheme including water recharge from the roof drains is not to be altered. It is the applicant's responsibility to ensure that the construction does not adversely impact the infrastructure or the set grades and drainage in place.

Summary

In summary, based on the application as submitted, planning staff are of the opinion that the applicable tests under the Planning Act are satisfied and have no objections to the approval of Minor Variance Application A-10/24 – 324 Perry Road.

Strategic Alignment

Orangeville Forward – Strategic Plan

Priority Area: Economic Resilience

Objective: Ensure availability and affordability of employment lands and housing

Sustainable Neighbourhood Action Plan

Theme: Land Use and Planning

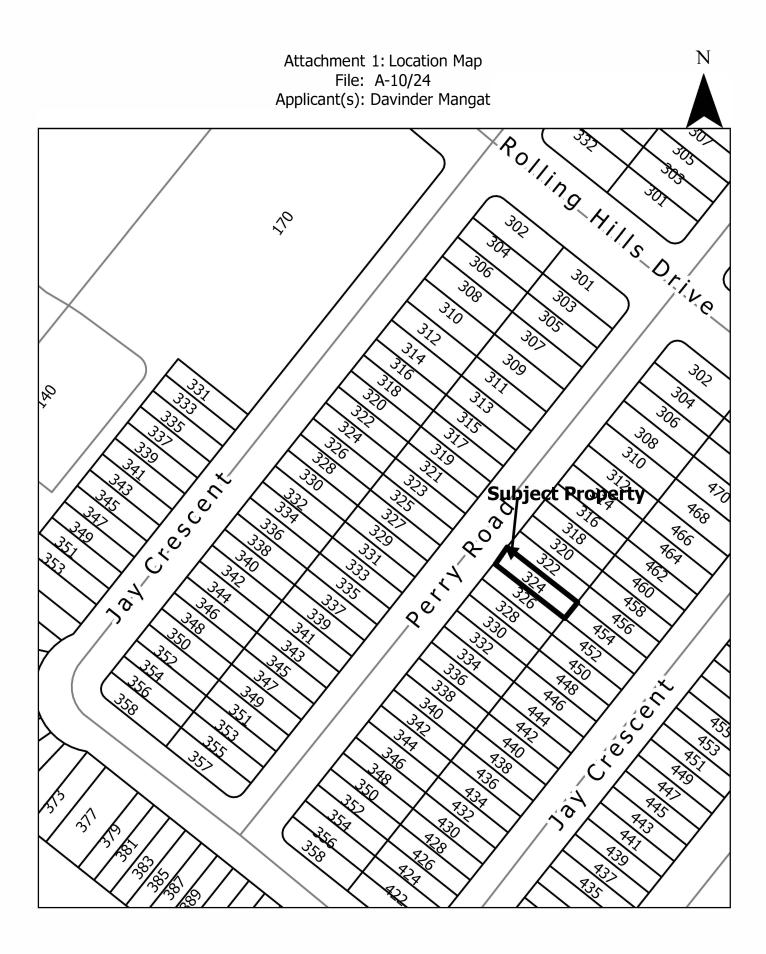
Strategy: Co-ordinate land use and infrastructure planning to promote healthy, liveable and safe communities.

Prepared by

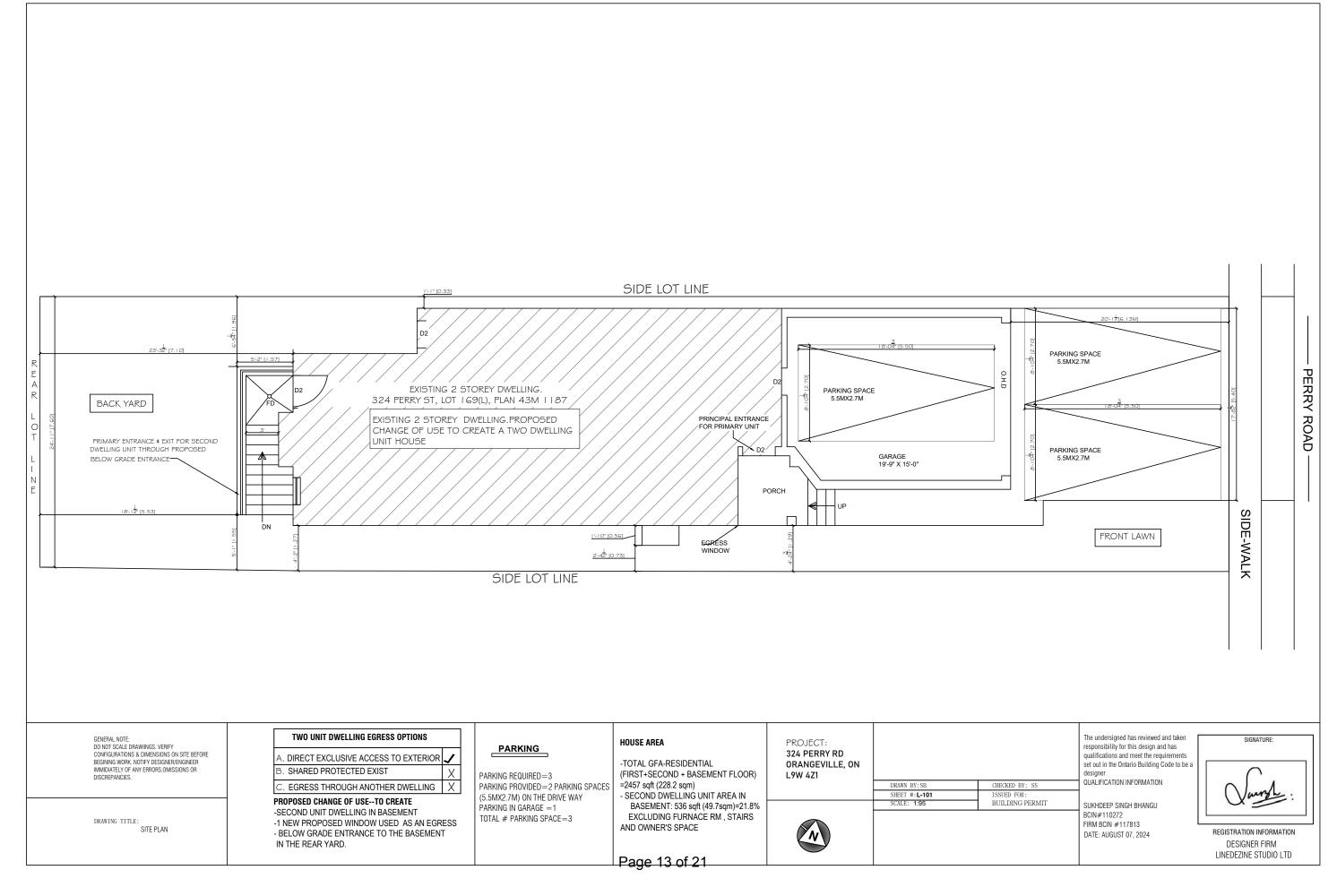
Susan Pottle, MES Planning Technician Infrastructure Services Reviewed by

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

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



Attachment 2: Site Plan





Subject:	Planning Report – Application No. A-11/21 – 21 Centre Street
Department:	Infrastructure Services
Division:	Committee of Adjustment
Meeting Date:	2024-10-02

Recommendations

That Planning Report – A-11/24 – 21 Centre Street be received;

That Minor Variance Application (File No. A11/24) to reduce the minimum rear yard from 10 metres to 6.1 metres be approved subject to the following conditions:

- 1. That a satisfactory Low Impact Development Brief is submitted as part of an application for site plan approval; and,
- 2. That the minor variance be limited to the extent shown in accordance with the approved site plan drawings for the proposed development at 21 Centre Street.

Introduction

Legal Description:	Part of Lot 6, Registered Plan 170
Municipal Address:	21 Centre Street
Applicant(s):	Mair Corp.
Official Plan Designation:	Residential (Schedule "A"), Medium Density Residential (Schedule "C")
Zoning (By-law 22-90):	Multiple Residential Medium Density (RM1) Zone
Purpose:	The applicant is requesting a minor variance to reduce the minimum rear yard from 10 metres to 6.1 metres.

Background and Analysis

The land subject to this application is an existing lot located on the east side of Centre Street just north of Hillside Drive, municipally known as 21 Centre Street. The lot area is approximately 833.5 square metres, with approximately 24.9 metres of frontage along Centre Street and a depth of 38.5 metres (see Attachment 1). A one storey single detached dwelling occupies the lot, which is proposed to be demolished to facilitate the development a multi-unit building.

The proposed building is 15.2 metres (4-storeys) in height and contains 8 units with a mix of one- and two-bedroom suites (see Attachments 2 and 3).

Due to constraints of the site, the proposal does not meet the zone standards for the side yard setback, parking, height and rear yard. As such, minor variances are required to permit the 4-storey multi-unit building.

The applicant previously submitted a minor variance application (File No. A10/24). The application was approved, with conditions, by the Committee of Adjustment on March 6, 2024, as follows:

- 1. to reduce the minimum side yard setback from 7.6 metres to 3 metres;
- 2. to reduce the minimum parking requirement from 14 parking spaces to 11 parking spaces; and,
- 3. to increase the maximum building height from 14 metres to 15.2 metres.

Subject to the following conditions:

- 1. That a satisfactory Low Impact Development Brief is submitted as part of an application for site plan approval; and,
- 2. That the minor variances be limited to the extent shown in accordance with the approved site plan drawings for the proposed development at 21 Centre Street.

These approved variances address the deficiencies in the zone standards for the side yard setback, parking and height; however, the rear yard setback was overlooked and not considered as part of the approval. As such, this minor variance application seeks to reduce the minimum rear yard from 10 metres to 6.1 metres.

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

Analysis

Section 45(1) of the Planning Act, R.S.O. 1990, as amended, prescribes 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 the four tests:

1. Conformity with the Official Plan

The subject property is designated "Residential" in the Town of Orangeville Official Plan. This designation allows a range of housing types and densities. The subject site is designated "Medium Density Residential" (Schedule C), which permits row/townhouses and apartments with a maximum density of 99 units per net residential hectare.

The proposed development is a small multi-unit building with one and two-bedroom suites, which will contribute to a range of housing types in accordance with policy objectives outlined in section E1.2.3 of the Official Plan.

Section D7 "Community Form and Identity" of the Official Plan seeks to ensure all new development will be compatible with and compliment the Town's existing character and built form. These policies speak to appropriate heights, massing, and setbacks, to limit impacts on adjacent buildings, and are most applicable to development within an established residential neighbourhood.

The subject property is located on the edge of a mature residential area and is next to a recently developed 24 unit stacked townhouse development known municipally as 17 Centre Street, and older 3-storey multi-unit buildings at 4, 8 and 12 Hillside Drive. Directly across from the subject site is the County of Dufferin administrative offices (Edelbrock Centre) and the Orangeville Transit Hub. Therefore, the impact on community form and identity that could result from the proposed variance will be negligible.

The proposed variance does not conflict any high-level policy direction of the Official Plan.

As such, 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 property is zoned Multiple Residential Medium Density (RM1) on Schedule 'A' of Zoning By-law 22-90, as amended. The RM1 zone permits a wide range of residential uses including a converted dwelling house containing four or more dwelling

units, a multiple dwelling, a townhouse dwelling, a group home, a long-term care facility, a retirement home, and a crisis care centre.

Section 12.2.5 prescribes a minimum rear yard setback of 10 metres. The applicant is requesting a minor variance to reduce the minimum required rear yard setback from 10 metres to 6.1 metres.

The subject property is located on the edge of a mature residential area and surrounded by the following uses:

- north: a recently developed 24 unit stacked townhouse development at 17 Centre Street;
- south and east: older 3-storey multi-unit apartment buildings at 4, 8 and 12 Hillside Drive;
- west: the County of Dufferin administrative offices (Edelbrock Centre) and the Orangeville Transit Hub.

The rear yard setback (east) abuts the surface parking area of 12 Hillside Drive, which is approximately 20 metres wide. Approximately 12 metres further east is the building located at 8 Hillside Drive. This results in a setback of approximately 32 metres from the rear property line at 21 Centre Street to the closest building at 8 Hillside Drive. Given the ample setback to adjacent buildings from the rear property line, staff do not anticipate any adverse impacts in terms of privacy or overlook due to the proposed rear yard reduction.

Consistent with the previous Committee of Adjustment approval, staff are recommending the same conditions. These include the preparation of a satisfactory Low Impact Development Brief, and that the variance be limited in accordance with approved Site Plan drawings.

Considering the above, the proposed rear yard setback reduction maintains the general intent and purpose of the Town's Zoning By-Law, subject to the proposed conditions.

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

Multi-residential uses are permitted pursuant to the policies of Zoning By-law No. 22-90. The proposed variance will not have adverse impacts on surrounding properties, while allowing for the redevelopment of an underutilized residential 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 variance to Zoning By-law No. 22-90 is deemed minor in nature.

Infrastructure Services – Transportation & Development Comments:

Transportation & Development has no objection to approval of the variance subject to the conditions currently imposed through this application. Staff will provide further construction, grading and servicing comments and direction during the site plan review process.

Strategic Alignment

Strategic Plan

- Strategic Goal: Economic Resilience
- Objective: Ensure availability and affordability of employment lands and housing

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 Senior Planner, Infrastructure Services Brandon Ward, MCIP, RPP Planning Manager, Infrastructure Services

Attachments:

- 1. Location Map
- 2. Proposed Site Plan
- 3. Proposed Building Elevations

Attachment 1

