



Report

Subject: Planning Report – Application No. A-02/24 – 234 Broadway

Department: Infrastructure Services

Division: Committee of Adjustment

Meeting Date: 2024-04-03

Recommendations

That Planning Report – Application No. A-02-24 – 234 Broadway be received;

That Minor Variance Application (File No. A02-24) to permit a dwelling unit in the basement level, be approved.

Introduction

Legal Descriptions: Part of Lot 18, Block 8, Plan 138

Municipal Addresses: 234 Broadway

Applicant(s): Devon Nauss

Official Plan Designation: Central Business District (Schedule A – Land Use Plan)

Zoning (By-law 22-90): Central Business District (CBD), Special Provision 24.148

Purpose: The applicant is requesting a minor variance to permit a dwelling unit in basement level of the building, whereas the Central Business District (CBD) Zone only allows dwelling units on the upper floors.

Background

The land subject to this application is an existing lot on the south side of Broadway, adjacent to the corner of Faulkner Street and Broadway, municipally known as 234 Broadway. The lot area is approximately 1022.9 square metres, with approximately 20.32 metres of frontage along Broadway and a rear yard depth of 29.55 metres (see Attachment 1).

There is an existing two-storey brick building on the lot, which was originally built in 1880, and has had an addition constructed at the rear. The mixed-use building has a total of 4 units, with 2 commercial units on the main level, a dwelling unit on the upper level, and a non-conforming dwelling unit in the basement of the rear addition. The applicant is pursuing a minor variance to permit the existing non-conforming dwelling unit in the basement (see Attachment 2). This will bring the building into compliance with the Town's Zoning By-law (By-law 22-90).

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:

Analysis

1. Conformity with the Official Plan

The subject property is designated "Central Business District" in the Town of Orangeville Official Plan. This designation allows a range of uses, from commercial, residential to institutional, and is the Town's "traditional centre" with the most diverse concentration of business activities. The policies for this designation seek to maintain the commercial uses that front onto Broadway, but also strongly encourage the provision of additional residential units.

The provision of residential dwelling units in the Central Business District is encouraged on the upper floors of mixed-use buildings along Broadway, as outlined in section E2.4.3 of the Official Plan. The intent of limiting residential uses to the upper floors is to maintain the ground level for retail and other uses which will animate the streetscape, and provide services to residents. Encouraging residential uses on upper floors of buildings facing Broadway maintains the commercial presence along the streetscape while introducing residential uses that will increase vitality and day/night character for the area.

The policy objectives of the Official Plan's Central Business District designation are to maintain the traditional built form and mix of uses and activities along Broadway. The proposed use of a basement dwelling unit would not detract from the commercial uses on the main level fronting onto Broadway. The basement-level dwelling is beneath the rear addition and access is from the rear, which separates this unit from the commercial frontage.

Therefore, the proposed minor variance would not conflict with the policy objectives of the Official Plan.

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

The subject property is zoned "Central Business District" (CBD), Special Provision 24.148 on Schedule 'A' of Zoning By-law 22-90, as amended. The CBD Zone outlines the permitted uses for the subject property and certain performance standards that buildings

within the zone must meet. The CBD zone permits a wide range of uses, from commercial, residential, and institutional. Special Provision 24.148 prescribes a maximum height of 12.0 metres to reflect and maintain the heritage built-form character of the area.

The applicants are requesting a minor variance to permit the existing residential dwelling unit in the rear basement of the building within the Central Business District, in order to bring the use into compliance with Zoning By-law 22-90, as amended.

The CBD Zone only permits residential uses on the upper floors as stated in Section 13A.1 – Permitted Uses: *a dwelling unit or units on upper floors*. The intent of this restriction is to implement provisions within the Official Plan, which seek to maintain retail and other commercial uses at the ground level along Broadway.

In addition, Section 5.7 in the Zoning By-law provides criteria for any permitted dwelling unit within a non-residential building, such as parking, separate entrance, adequate floor area, etc.. The subject basement dwelling unit complies with all these provisions, except for section 5.7.1(e)-i:

One or more dwelling units shall be permitted provided that each dwelling unit:

- i. is located on any floor, other than the basement or ground floor, of a building in a CBD, C1 or C2 zone;*

Although the basement dwelling unit is not currently permitted, the subject property is at the very outer edge of the CBD zone, adjacent to the Restricted Commercial Residential (C5) Zone which permits residential on all floors. Further, the basement dwelling unit is existing, and the non-conforming use is not being expanded. Most importantly, the commercial uses on the ground level of the building will be maintained, and the dwelling unit is to the rear of the property and will not detract from the commercial frontage.

Given the above, planning staff are of the opinion that the requested variance maintains the general intent and purpose of the Zoning By-law.

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

The proposed variance will not have adverse impacts on the surrounding properties or on the commercial uses along Broadway, as this property is at the periphery of the Central Business District. Furthermore, the basement dwelling unit is completely separate from the commercial uses at the front of the building and is accessed at the rear. The Official Plan acknowledges that mixed-use buildings should be flexible to accommodate residential units where desirable. The dwelling unit is existing, and much like the adjacent properties across Broadway (239 and 237 Broadway), which have received minor variance approval (File No. A-13/02) for existing dwelling units on levels other than the upper levels, this variance will allow the residential rental unit to remain within the Central Business District.

Therefore, given the context of the existing dwelling unit, the requested variance is considered desirable and appropriate for the subject property.

4. Minor in Nature

In consideration of the foregoing, and due to the permission being for only one existing dwelling unit in the basement level, the requested minor variance to Zoning By-law No. 22-90 can be considered minor in nature.

Infrastructure Services – Transportation & Development Comments:

Transportation & Development has no issue with the proposal provided the proponent confirms and ensures that all domestic water passes through the water meter and consumption is adequately recorded to the satisfaction of the Town.

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

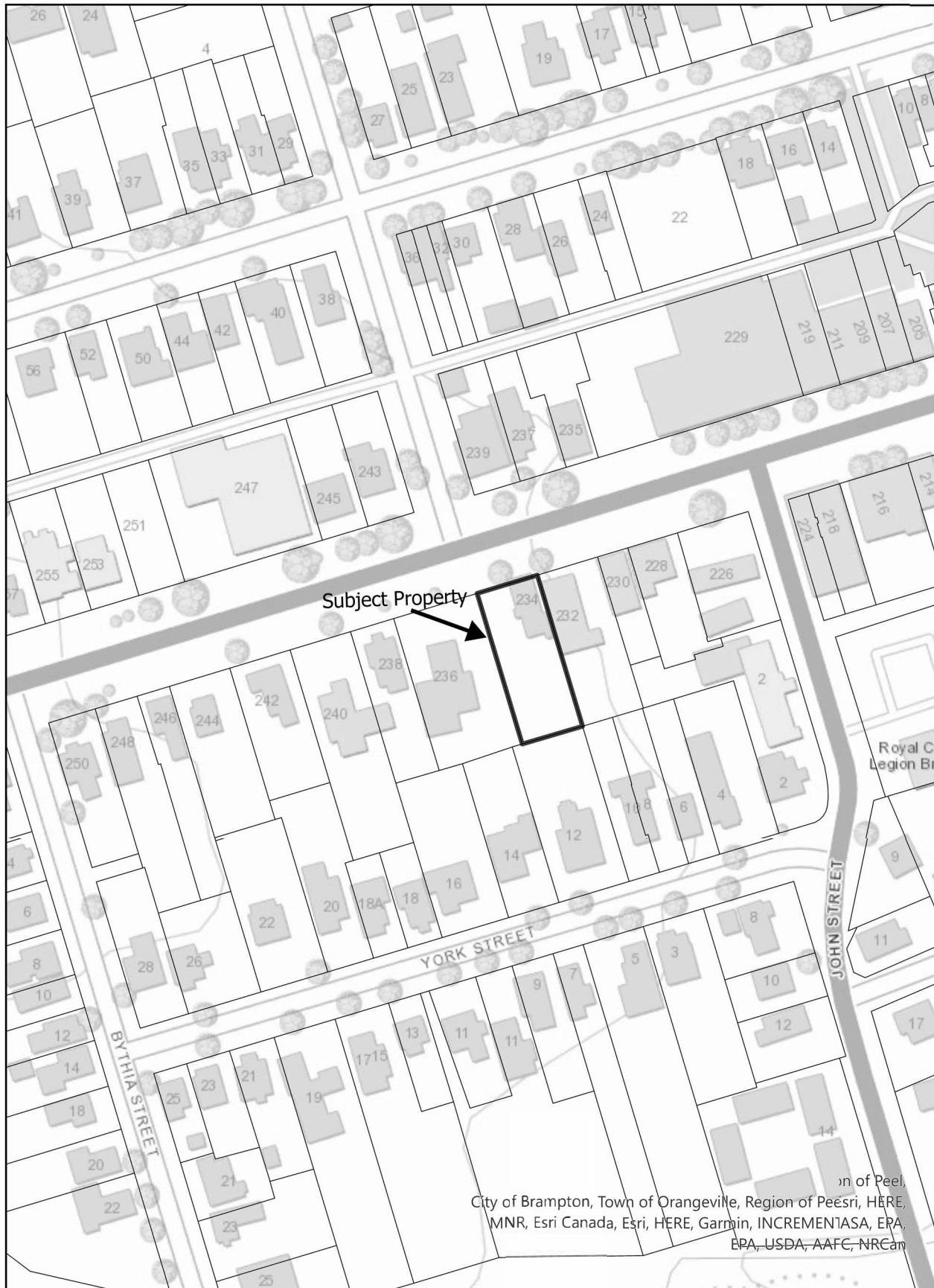
Matthew Mair, MA , BURPI
Development Planner, Infrastructure Services

Reviewed by

Brandon Ward, MCIP, RPP
Planning Manager, Infrastructure
Services

Attachment(s): 1. Location Map
2. Basement Unit Floorplan

Attachment 01 - Location Map
234 Broadway, Orangeville, ON
Applicant: Devon Nauss File: A02-24



Attachment 02 - Basement Unit Floor Plan

234 Broadway, Orangeville, ON

Applicant: Devon Nauss File: A02-24

