



Subject: Planning Report – Application No. A-09/24 – 62 Mill Street

Department: Infrastructure Services

Division: Committee of Adjustment

Meeting Date: 2024-09-04

Recommendations

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.**

Introduction

Legal Description: Lot 2, Part Lot 1, Plan 19A

Municipal Address: 62 Mill St, Orangeville

Applicants: Marianne Zach

Official Plan Designation: Low Density Residential

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

Purpose: To allow a second storey above the proposed accessory building (garage) for additional living space (additional dwelling unit) in the Residential, Second Density (R2) Zone.

Background

The subject property is located on the west side of Mill Street, between Church Street to the north and Mary Street to the south. It backs onto 17 Church Street, which is zoned Multiple Residential, Medium Density (RM1). Beyond this property is the former Orangeville – Brampton Railway (Attachment 1).

62 Mill Street is zoned Residential, Second Density (R2) and designated Low Density in the Town's Official Plan. The property is approximately 1,573 square metres in area and has a frontage of 16.5 metres. Existing on the property is a two storey detached Italianate red brick dwelling, listed on the Town's Municipal Heritage Register but not designated under the Ontario Heritage Act. An existing two car garage in a similar location to the proposed garage will be demolished.

The applicant is proposing to construct a two storey 80 square metre garage with space for two cars on the ground floor and a one bedroom accessory dwelling unit on the second floor (Attachment 2). The height of the proposed building is 5.99 metres to the roof mid point. According to Section 5.2 2) of the Zoning By-law, the maximum height of an accessory building is 4.3 metres. Other provisions in the Zoning By-law such as location, size, setbacks, and parking requirements of an accessory building have been met. Therefore, the purpose of this application is to permit an increase in the height of the accessory building from 4.3 metres to 5.99 metres.

Pending approval by the Committee of Adjustment, the proposed development will comply with the Zoning By-law. A building permit and compliance with the Ontario Building Code will be required.

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 uses of the existing dwelling and proposed dwelling unit are residential. Section E1.5.3 of the Official Plan permits the creation of an accessory building on a lot as a second dwelling unit, subject to the provisions of the Zoning By-law regarding placement, height, parking requirements and other provisions. 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, Second Density (R2) in Zoning By-law 22-90, as amended. The R2 zone permits a range of residential uses including single detached dwellings with minimum 6.0 metre front yard setback, a 1.5 metre interior side yard setbacks for dwellings of two or more storeys, and a rear yard setback of 7.0 metres. The maximum height of a single detached dwelling in the R2 zone is 9.2 metres.

Accessory dwelling units are permitted in single and semi-detached dwelling units under the Zoning By-law. The Planning Act has recently been amended to also allow accessory dwelling units within detached structures on a dwelling lot, which prevails over any municipal zoning by-law regulations to the contrary. The proposed accessory dwelling unit is permitted in the accessory building, however it must meet all applicable accessory building standards of the Zoning By-law.

Accessory buildings are to be located to the rear of the front line of the main building. They are not to occupy more than 10 percent of the lot, exceed 4.3 metres in height, nor be closer than 1.2 metres to a side or rear lot line.

The proposed accessory building would occupy approximately 5 percent of the lot and be located 12.8 metres from the rear property line. A second storey deck is proposed to be constructed on the south side of the accessory building, providing amenity space to the upper-level dwelling unit. The proposed deck level is 2.8 metres in height and would be setback approximately 2.9 metres from the south side property line, with the building itself being 6.3 metres to the south side property line. The building is located 17.2 metres from the north side property line.

The proposed accessory building exceeds the 4.3 metres maximum height requirement (Attachment 2). The 4.3 metre height restriction will not allow an upper storey dwelling unit above the garage. Thus, the applicant is requesting a minor variance to increase the maximum permitted accessory building height from 4.3 metres to 5.99 metres.

Height restrictions are in place to minimize privacy and sight line impacts on adjacent properties. Since the proposed accessory building is set back 17.2 metres from the north side property line, 6.3 metres from the south side property line to the building, and 12.8 metres from the rear property line, the increased building height to 5.99 metres is not anticipated to have adverse impacts on adjacent properties, although there are matters related to the second storey deck discussed further below. For comparison, the minimum standard setback for a two storey single detached dwelling in the R2 zone is 1.5 metres from side lot lines, with a maximum height of 9.2 metres. 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, including single detached dwellings and accessory structures, which may contain additional dwelling units within the main dwelling and/or within a detached accessory structure, provided that all applicable standards of the By-law are met. The proposed accessory building includes an attached

deck that will provide exterior amenity space for the upper-storey dwelling unit. The deck is proposed to be constructed on the south side of the accessory building and will be 2.8 metres in height, with a side yard setback of 2.9 metres from the south side property line. Due to the second-storey height of the proposed deck and its location within a side yard area, staff are concerned with potential privacy and overlook conflicts that could arise with the adjacent property. To alleviate this concern, staff recommend a condition be included with the approval of this application permitting an exterior deck associated with the accessory dwelling unit only to be located at the rear or north side of the building, where there is an increased setback to adjacent properties. With the deck oriented to the rear or north side of the building, staff are satisfied that the requested variance to permit an increased accessory building height allowing an upper-level additional dwelling unit is appropriate and desirable for this 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 this application and offer the following comments.

T&D has no objection to the land use approvals being requested by the Applicant. The Applicant is advised that all grading, drainage and servicing must be completed to the satisfaction of the Town.

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

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Attachment(s):

1. Location Map
2. Site Plan, Floor Plans & Elevations