

Subject: Planning Report –A-08/24 – 2 Fead Street

Department: Infrastructure Services

Division: Committee of Adjustment

Meeting Date: 2024-09-04

Recommendations

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.

Introduction

Legal Descriptions: Part of Lot 9 and 10, Plan 212

Municipal Addresses: 2 Fead Street

Applicant(s): E.C. Marshall Insurance/Financial Services Inc.

Official Plan Designation: Restricted Commercial Residential (Schedule A – Land Use Plan)

Zoning (By-law 22-90): Restricted Commercial Residential (C5-H)

Purpose: Permit a dwelling unit without a required parking space in a mixed use building whereas Section 5.7 1) (d) of the Zoning By-law requires one parking space per dwelling unit in a mixed use building.

Background

The land subject to this application is an existing lot on the south side of Fead Street, one lot west of the corner of Fead Street and Broadway, municipally known as 2 Fead Street. The lot area is approximately 1022.9 square metres, with approximately 20.57 metres of frontage along Fead Street and a lot depth of approximately 20.5 metres (see Attachment 1). A 1-storey detached commercial building currently exists on the property, located within the mixed-use corridor of commercial and residential uses along First Street.

The applicant is proposing to construct a residential dwelling unit within the basement of the existing structure, which will require the structure being shifted slightly on to a new foundation and a new below-grade entrance to access the unit. The basement dwelling unit will consist of a one-bedroom apartment accessed through the below grade entrance at the east side of the property, and the existing office spaces on the main level will remain, as shown in the attached Floor Plans (Attachment 02).

The proposed basement dwelling would require an additional parking space as per section 5.7 of Town's Zoning By-law (By-law 22-90). The applicant is proposing a total of four parking spaces on the site for the commercial space, as shown in the attached Site Plan (Attachment 03). This will meet the requirement for one parking space for every 20 square meters of commercial floor area. However, the applicant is seeking relief from the one additional space required for the basement dwelling unit.

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:

Analysis

1. Conformity with the Official Plan

The subject property is designated "Restricted Commercial Residential" in the Town of Orangeville Official Plan, which permits a range of commercial and residential uses, as stand alone uses or in combination. This area is intended to transition from adjacent residential areas towards the Town's commercial focused Central Business District. A residential unit in the basement is a permitted use. The reduction in parking requirements will not conflict with any policies within the Official Plan.

Therefore, 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 "Restricted Commercial Residential" (C5) Zone, with Holding (H) Symbol". The C5 zone permits a range of commercial uses, as well as residential uses including single detached dwellings, semi-detached dwellings and triplexes. A Holding (H) Zone Symbol applies to the lands and requires that any major redevelopment demonstrates that it can be appropriately serviced (Section 5.24). The Holding (H) Symbol would only be removed once the Town is satisfied that the required servicing infrastructure and capacities are available to support a redevelopment proposal. This Holding (H) Zone Symbol restriction does not apply to the proposed basement dwelling unit.

Section 5.17 of the Zoning By-law provides criteria for parking requirements for certain uses, and for office commercial uses, prescribes 1 parking space per 20 square metres of floor area. The four parking spaces proposed satisfies this requirement.

Further, Section 5.7 of 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(d):

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

(d) has a separate parking space

The applicant is seeking relief from this provision in the Zoning By-law based on the four spaces that will already be provided for the office space on the main level, to be shared between the new dwelling unit and the existing offices.

Given the location of the property within short walking distance of many amenities, and the provision of these four parking spaces, the property will still have sufficient parking on-site which potential tenants of the building can share in a manner that best suits their needs.

Given the above, 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 allow the creation of an additional dwelling unit within the Downtown area, therefore creating more housing options, and will not impact the existing commercial uses. The proposed dwelling unit represents a gentle intensification of the property and will more efficiently use the existing structure and services. The reduction in required parking can be justified due to the property being located within a more walkable mixed-use area.

Therefore, given that the relief will allow the creation of an additional dwelling unit, and its close location to amenities, the requested variance can be considered desirable and appropriate for the subject property.

4. Minor in Nature

In consideration of the forgoing, and considering the relief being requested is a reduction of only one parking space, whereas four spaces are to be provided, the requested variance to Zoning By-law No 22-90 can be considered 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 Minor Variance being requested by the Applicant. Access to the parking area on this property will be from Bromont Lane. The applicant is advised that vehicles parked in those spaces must not overhang into the public lane.

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

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