



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.

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