

**Subject: Planning Report – A15-21, A16-21 and B04-21 – 5 Henry Street**

**Department: Infrastructure Services**

**Division: Planning**

**Meeting Date: 2021-12-01**

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**Recommendations**

**That Planning Report – A15-21, A16-21 and B04-21 – 5 Henry Street be received;**

**And that Minor Variance Application File No. A15-21 to:**

- 1. reduce the minimum lot area from 464 square metres to 327 square metres;**
- 2. reduce the minimum lot frontage from 17 metres to 16.3 metres;**
- 3. reduce the minimum front yard from 6 metres to 1.3 metres, and**
- 4. reduce the minimum exterior side yard from 3.5 metres to 3.3 metres,**

**be approved, generally in accordance with the submitted Site Plan;**

**And that Minor Variance Application File No. A16-21 to:**

- 1. reduce the minimum lot area from 464 square metres to 327 square metres;**
- 2. reduce the minimum front yard from 6 metres to 3.2 metres;**
- 3. to reduce the minimum rear yard from 7 metres to 4.5 metres;**

**be approved, generally in accordance with the submitted Site Plan;**

**And that Consent Application File No. B04-21, to sever a parcel of land which has an area of approximately 655.2 square metres to create a new residential building lot be approved, subject to the following conditions:**

- 1. That the applicant/owner enters into a Consent Agreement with the Town pursuant to Subsections 53(12) and 51(26) of the Planning Act, to be registered on title, which will require:**
  - a) The applicant/owner to submit a servicing plan and grading plan prepared by a Professional Engineer, and a topographical survey to the satisfaction of the Transportation and Development Division.**

- b) The applicant/owner to implement the Low Impact Development design features as included in the Low Impact Development Brief, prepared by Criterium Jansen Engineers, dated September 9, 2021, to the satisfaction of the Transportation and Development Division.
  - c) The applicant/owner submit an arborist report indicating the health of the existing trees along Henry Street, and make best efforts to protect them where they do not interfere with the proposed driveway, to the satisfaction of the Planning Division.
  - d) Any building permit application submission to include elevation drawings to ensure that the design of the dwelling is in character with the neighbourhood, to the satisfaction of the Planning Division.
2. That the applicant/owner has paid cash-in-lieu of parkland in accordance with Section 53(13) of the Planning Act and the Town's Parkland Dedication By-law No. 47-2012.
3. That the Committee of Adjustment has approved the concurrent Minor Variance Applications File Nos. A15-21 and A16-21.

## Introduction

Legal Description: Lot 1 and Part of Lot 2, Block 3, Registered Plan 216

Municipal Address: 5 Henry Street

Applicant(s): Eric Calder

Official Plan Designation: 'Residential Low Density' (Schedule 'C')

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

Purpose (B04-21): The applicant is applying for **consent to sever** a parcel of land which has an area of approximately 655.2 square metres, to create a new residential building lot.

The severed parcel of land will have a frontage on Henry Street of 20.1 metres, a depth of 16.3 metres and an area of approximately 327.6 square metres. The severed parcel of land is proposed as a new building lot to accommodate a new detached dwelling containing a second dwelling unit.

The retained parcel of land will have a frontage on William Street of 16.3 metres, a depth of 20.1 metres and an area of approximately 327.6 square metres. The retained parcel of

land contains an existing detached dwelling to be demolished and replaced with a new residential dwelling containing a second dwelling unit.

Purpose (A15-21): To facilitate the proposed consent and to permit the existing dwelling to be replaced with a new detached dwelling containing a second unit on the **retained lands**, the applicant is requesting the following minor variances to:

1. reduce the minimum lot area from 464 square metres to 327 square metres;
2. reduce the minimum lot frontage from 17 metres to 16.3 metres;
3. reduce the minimum front yard from 6 metres to 1.3 metres, and
4. reduce the minimum exterior side yard from 3.5 metres to 3.3 metres.

Purpose (A16-21): Similarly, to facilitate the proposed consent and to permit a new detached dwelling with a second unit on the **severed parcel**, the applicant is requesting the following minor variances to:

1. reduce the minimum lot area from 464 square metres to 327 square metres;
2. reduce the minimum front yard from 6 metres to 3.2 metres, and
3. reduce the minimum rear yard from 7 metres to 4.5 metres.

## Background

The subject property is located on the southeast corner of William Street and Henry Street. The property is approximately 655 square metres (7,053 square feet) in area, with 16 metres (53 feet) of frontage along William Street and a flankage (i.e., exterior side lot line) of 40 metres (131 feet) of frontage on Henry Street. The property is located within a low-density residential neighbourhood, and contains a 1.5-storey residential detached dwelling, which is identified as a listed, non-designated property on the Town's Municipal Heritage Register. A residential demolition application to remove and rebuild the existing dwelling was approved conditionally by Council on March 9, 2021. The location of the subject lands is indicated on Attachment No. 1.

The application for consent to sever proposes to create one (1) new residential building lot on the easterly portion of the subject property. The severed lot would be comprised of a rectangular shaped parcel with approximately 327.6 square metres (3,527 square feet) of lot area, and frontage of 20.10 metres (66 feet) along Henry Street. The proposed development envelope is approximately 115 square metres (1,238 square feet), and includes an attached single-car garage on the west side of the proposed structure.

Access to the proposed lot would occur via a driveway off Henry Street measuring 5.8 metres (19 feet) in width.

The retained lot would be comprised of a rectangular shaped parcel with approximately 327.6 square metres (3,527 square feet) of lot area, and frontage of 16.3 metres (53 feet) along William Street and flankage of 20.10 metres (66 feet) along Henry Street. The proposed development envelope is approximately 96 square metres (1,033 square feet), and includes an attached garage on the north side of the proposed structure. Access to the retained lot is proposed via two driveways, one from Henry Street, measuring 2.7 metres (9 feet) in width, and one from William Street, measuring 3.1 metres (10 feet) in width.

A conceptual Site Plan showing the proposed severance concept and building envelopes is included as Attachment No. 2.

Zoning By-law No. 22-90, as amended, zones the subject lands as Residential Second Density (R2), which primarily permits single-detached dwellings. Among other provisions, the R2 zone requires:

- a minimum lot area of 464 square-metres;
- a minimum lot frontage of 17 metres for corner lots and 15 metres for interior lots;
- a minimum exterior side yard setback of 3.5 metres;
- a minimum front yard setback of 6 metres;
- a minimum rear yard frontage of 7 metres; and
- a maximum lot coverage of 35% (for buildings that are 2 or more storeys in height).

The resultant lots would not be in compliance with some of these provisions. Therefore, the purpose of these applications is to sever a parcel of land to create a new residential building lot, and seek relief to these applicable provisions of the zoning by-law, in order to facilitate the construction of two (2) new single-detached dwellings.

Pending approval by the Committee of Adjustment of these applications, the proposed development will comply with the Zoning By-law; however, will still require applicable permits under the Ontario Building Code.

## **Analysis – Consent Application B04-21**

Section 51(24) of the *Planning Act*, R.S.O. 1990, as amended, provides a list of matters to be regarded in relation to the division of land. Staff has reviewed the consent application in light of the *Planning Act* criteria and is satisfied that the consent can meet all applicable criteria in Section 51(24).

### **1. Provincial Policy Statement, 2020 (PPS)**

The current Provincial Policy Statement (PPS) came into effect on May 1, 2020. All planning decisions made as of this point forward must be consistent with the 2020 PPS.

PPS policies pertaining to development within Settlement Areas prescribe that land use patterns shall be based on a mix of land uses and densities which support the efficient use of resources; are appropriate for the efficient use of infrastructure and public service facilities; minimize impacts to air quality and climate change; support active transportation; and are transit-supportive. Land use patterns which provide for a range of uses and opportunities for intensification and redevelopment are also supported by the policies of the PPS within 'Settlement Areas'.

Intensification is defined as 'the development of a property, site or area at a higher density than currently exists through redevelopment, including the reuse of brownfield sites; the development of vacant and/or underutilized lots within previously developed areas; infill development; and, the expansion or conversion of existing buildings.'

The consent application is consistent with the policies of the PPS (2020) and is appropriate intensification for an existing underused property within a 'Settlement Area'.

## **2. Town of Orangeville Official Plan**

The Town's Official Plan (OP) designates the subject property as 'Residential' (Schedule 'A': Land Use Plan) and 'Low-Density' (Schedule 'C': Residential Density Plan). Single-detached and two-unit dwellings are permitted by this designation framework up to a maximum density of 25 units per net developable hectare. The proposed consent would create an additional detached dwelling lot, which is a permitted use within the Low-Density Residential policies of the OP.

Section E1.11 of the OP provides policy direction with respect to facilitating residential growth through infill and intensification developments within the Town's built boundary. The policies stipulate that a minimum of 50% of all residential development occurring annually within the Town will be within the built boundary. To assist in achieving this target, the OP identifies various sites intended for future intensification (Schedule 'B1') and prescribes policy criteria for identifying new intensification areas (i.e. vacant or underutilized lots, potential for infill development or expansion or conversion of existing buildings). These policies do not prescribe an intention of the Town to redevelop such sites, but instead highlights these areas as being candidates for future intensification development potential (E1.11.1). A series of criteria are prescribed for the Town (Council) to take into consideration when evaluating intensification developments, which includes:

- a) compatibility with adjacent buildings and adjacent residential areas;
- b) shadowing and access to sunlight for such areas as adjacent private property, public parks and sidewalks, etc.;
- c) urban design impacts and alternative design options, including scale and the relationship to adjacent street widths; and
- d) energy use and green building performance.

Although the subject lands are not identified as an Intensification Area on Schedule B1, it is appropriate to consider the foregoing criteria in reviewing the proposed consent as it

represents a form of intensification development for the subject property. Staff is of the opinion that the proposed consent and associated minor variances will maintain compatibility with the surrounding residential area and will also maintain an appropriate relationship to adjacent streetscapes.

Section 17 of the OP outlines general policies for consents, which includes criteria where land division by consent may be considered. The proposed consent satisfies these criteria based on the following:

- The subject lands are currently serviced with full municipal infrastructure (i.e. water, sanitary and stormwater). Staff are satisfied that the proposed lot can be adequately serviced based on the conceptual details provided on the severance sketch. Staff has recommended conditions of consent approval related to servicing of the property, which would be contained in a consent agreement to be executed with the applicant prior to final approval of the consent. This enables the Town to confirm that any technical details of the servicing arrangement are satisfactory before the new lots are created (Section 17.1)
- The proposed retained lot will have frontage on both Henry Street and William Street. The proposed severed lot will have frontage on Henry Street. Both roads are of a suitable standard of construction to accommodate the proposed lot creation. (Section 17.2)
- The size and orientation of the severed and retained parcels are suitable to accommodate the proposed development, taking into consideration the services available and the established character of the area, including previous severance and variance approvals (File Nos. B-3/08 & A11-2/08) in 2008 for 19 William Street. Subject to approval of the related minor variances, the retained and severed parcels will each accommodate a suitable detached dwelling envelope. (Section 17.3)

### **3. Cash-in-lieu of Parkland**

Development on the severed lands will require the payment to the Town of cash-in-lieu of parkland in accordance with By-law No. 47-2012 and the provisions of the Planning Act. The developer will be required to pay this expense prior to the issuance of a building permit.

### **Analysis – Minor Variance Applications A15-21 & A16-21**

Section 45 (1) of the *Planning Act*, R.S.O. 1990, as amended, outlines four tests that must be satisfied in relation to applications for minor variance. In considering these four tests, staff offers the following comments.

#### **1. Conformity with the Official Plan**

The subject lands are designated 'Residential' (Low-Density) to the Official Plan. Single detached dwellings are a permitted use in this land use designation and the proposed minor variances do not conflict with or offend any high-level policy direction of the Official Plan.

The proposed variances are considered to conform with the intent of the Official Plan.

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

The subject lands are zoned Residential Second Density (R2) Zone on Schedule 'A' of Zoning By-law No. 22-90, as amended. The R2 Zone primarily permits single-detached dwellings.

There are certain provisions of the R2 zone that the retained and severed lots and their corresponding detached dwelling building envelop would not meet. The applicant is therefore seeking relief from these provisions, which are discussed further in the following sections.

- 2.1 Lot Area – reduce the minimum lot area from 464 square metres to 327 square metres (retained and severed lots)
- 2.2 Lot Frontage – reduce the minimum lot frontage from 17 metres to 16.3 metres (retained lot)

The purpose of the minimum lot area and frontage requirements of the Zoning By-law are to ensure there is some lot size consistency within a residential area. Minimum lot area and frontage requirements also facilitate a consistent streetscape and ensure adequate space is afforded for the permitted uses on the lot. These provisions also relate to the overall density range prescribed by the corresponding Official Plan designation.

The reduction of lot area (retained and severed lots) and frontage (retained lot) will not affect the consistency of the streetscape or existing lots within the area. The William Street streetscape will be unchanged by the retained parcel and proposed house, as the existing William Street frontage condition is already 16.3 metres. The Henry Street streetscape will mimic that of 8 Henry Street, which directly across from the severed lot.

Each lot is adequately sized to accommodate a new single-detached dwelling without affecting the maximum permitted coverage (35%) on the lot. Further, the size and orientation of the severed and retained parcels are in keeping within the established character of the area, including previous severance and variance approvals (File Nos. B-3/08 & A11-2/08) in 2008 for 19 William Street and 8 Henry Street.

The minor variances to reduce the lot area for the retained and severed lots and to reduce the frontage for the retained lot, comply with the intent of the Zoning By-law.

- 2.3 Front Yard – reduce the minimum front yard from 6 metres to 1.3 metres (retained lot); and reduce the minimum front yard from 6 metres to 3.2 metres (severed lot)

**2.4 Exterior Side Yard - reduce the minimum exterior side yard from 3.5 metres to 3.3 metres (severed lot)**

The purpose of the minimum front and side yard setback requirements of the Zoning By-law is to ensure there is consistency with the placement of the buildings on lots in relationship to adjacent properties, and within the residential area as a whole. Additionally, the purpose of the exterior side yard requirement is to provide an adequate distance from the dwelling to the abutting street.

The existing building is currently oriented toward Henry Street. As such, the Henry Street frontage acts as the front yard, and the William Street frontage acts as the exterior side yard. However, for the purpose of the By-law, the front yard is interpreted as William Street, with Henry Street being the exterior side yard (for the retained lot).

The existing building has an existing 3.3 metre exterior side yard setback from Henry Street. The proposed rebuild of the existing house on the retained lot and the new house on the severed lot mimic this existing setback and condition. This setback is also consistent with the adjacent property at 42 John Street given its' flankage condition onto Henry Street. As such, the proposed setbacks to Henry Street, for both the retained (exterior side yard of 3.3 metres) and severed (front yard of 3.2 metres) lots, are appropriate and create a consistent and harmonious streetscape along the north side of Henry Street.

The existing building has a 1.3 metre front yard setback from William Street to the front wall of the dwelling. The proposed rebuild of the existing house on the retained lot mimics this existing setback and condition. As such, there are no anticipated impacts on William Street streetscape in terms of building placement or maintaining an adequate distance to the street.

The minor variances to reduce the front yard setback for the retained and severed lots, and to reduce the exterior yard setback for the retained lot, comply with the intent of the Zoning By-law.

**2.5 Rear Yard – reduce the minimum rear yard from 7 metres to 4.5 metres (severed lot)**

The purpose of the rear yard setback is to provide adequate amenity area at the rear of the building.

The R2 zone standards require a rear yard setback of 7.0 metres, and a lot frontage of 15 metres, which would result in a standard rear yard amenity area of 105 square metres. The proposed severed lot, however, is wide and shallow. Based on the proposed rear yard setback of 4.5 metres and lot width of 20.1 metres, the resultant rear yard amenity area is approximately 90 square metres. This minor reduction will not impact the adequacy and usability of the rear yard amenity space.

The minor variance to reduce the rear yard setback for the severed lot complies with the intent of the Zoning By-law.

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

The proposed variances would permit the applicant to rebuild the existing detached dwelling, as well as construct a new detached dwelling on a separate lot, adding to the available residential land supply in an existing serviced area of Orangeville.

The requested variances are considered desirable and appropriate for the use of the land.

### **4. Minor in Nature**

In consideration of the foregoing, the applications for minor variances to Zoning By-law No. 22-90 are deemed minor in nature.

### **Infrastructure Services – Transportation & Development Comments:**

Infrastructure Services has reviewed the Notice of Hearing for minor variances, Application No. A-15/21 for the property described as Lot 1, Part of Lot 2, Block 3, Registered Plan 216, municipally known as 5 Henry Street, in the Town of Orangeville. The minor variances are to reduce the minimum lot area from 464 square metres to 327 square metres, to reduce the minimum lot frontage from 17.0 metres to 16.3 metres, to reduce the minimum front yard from 6.0 metres to 1.3 metres and to reduce the minimum exterior side yard from 3.5 metres to 3.3 metres. It is understood the variances are required to accommodate a residential dwelling containing a second dwelling unit. It is noted that the lands are also subject to a consent application (No. B-04/21).

Further to the above Infrastructure Services has reviewed the Notice of Hearing for minor variances, Application No. A-16/21 for the property described as Lot 1 and Part of Lot 2, Block 3, Registered Plan 216, municipally known as 5 Henry Street in the Town of Orangeville. The minor variances are to reduce the minimum lot area from 464 sq. metres to 327 sq. metres, to reduce the minimum front yard from 6.0 metres to 3.2 metres, and to reduce the minimum rear yard from 7.0 metres to 4.5 metres. These variances are required to accommodate a residential dwelling containing a second dwelling unit.

Infrastructure Services has reviewed the Notice of Hearing for consent to sever a parcel of land described as Lot 1, Part of Lot 2, Block 3, Registered Plan 2016, municipally known as 5 Henry Street, in the Town of Orangeville. The applicant is applying to consent to sever a parcel of land which has an area of approximately 655.2 square metres to create a new residential lot. The severed parcel of land will have frontage on Henry Street of 20.1 metres, a depth of 16.3 metres and an area of approximately 327.6 sq. metres. The severed parcel of land is proposed as a new building lot to accommodate a residential dwelling containing a second dwelling unit. The retained parcel of land will have a frontage on William Street of 16.3 metres, a depth of 20.1 metres and an area of approximately 327.6 metres. The retained parcel of land contains

an existing dwelling to be demolished and replaced with a residential dwelling containing a second dwelling unit. The severance is subject to minor variances as described above.

Infrastructure Services is not aware of any grading, drainage or servicing issues that would preclude the granting of this severance. However, as a condition of granting this severance, the Applicant shall be responsible for preparing all reference plans and/or easement documents, necessary for registration on title.

Similarly, Infrastructure Services is not aware of any grading, drainage or servicing issue that would preclude the granting of the minor variances for the retained or severed parcels. Concluding, Infrastructure Services, Transportation and Development Division does not object to granting the minor variances.

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## **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

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