

Karey Shinn
42 John Street (at Henry Street)
Orangeville, ON L9W 2P3

November 29th, 2021

Town of Orangeville
Committee of Adjustment
Secretary-Treasurer
87 Broadway, Orangeville, ON L9W 1K1

Re: File No. A-15/21, A-16/21 and B-04/21, concerning the request to sever 5 Henry Street, Orangeville Committee of Adjustment, December 1st, 2021

Re: Request to receive a copy of the decision of the Committee of Adjustment in regards to these applications for 5 Henry Street, cited above.

Dear Chair and Members of the Committee,

This is not a 'Minor Variance'

Our family lives at 42 John at Henry Street. This application before the Committee abuts our rear lot fence. Our property runs along Henry uphill towards William St. We moved into 42 John at Henry in late 2009, after the Committee of Adjustment decision to sever 19 William St. and create 8 Henry, adjacent to us.

NOTE: The 19 William lot was **76 sq. meters larger** than 5 Henry is.

5 Henry is too small to sever, turning it sideways to have this lot fronting on Henry, it cannot even come close to the R2 Zoning setbacks otherwise required in the neighbourhood. This impacts two abutting neighbours and backyard sunlight.

5 Henry is a sloped property that continues to slope away through our property to John St. These flat site plans are not very informative of building height and bulk.

- This severance would result in a very tall building 1.5m from our rear lot line, given the needed height required to level and sewer the house.
- This would create drainage issues down the 3 to 4 foot drop over the proposed min. 1.5m as flipped to a side setback.
- Today the zoning requires a backyard set back from a house fronting on William to our rear lot line to be 7m. **A change of 7m to 1.5 meters is not a MINOR VARIANCE to the function of our traditional R2 lot.**

Only accessory buildings in R2 are allowed 1.5 meters from their rear lot line.

*Bell Canada also wants more setback from the existing rear lot line of 5 Henry, abutting our rear lot line, for the aerial wires servicing the block. Bell services are across the street on the previously severed 8 Henry. Perhaps the setback from the proposed house to our rear lot line needs to be at least 3 meters. It is difficult to now how the Bell repair people would get to those lines and erect a ladder, on any graded slope to level the house on the existing slope.

- This proposed new house would also block the sun to our back yard from about 3 PM to sunset every day, and more so in winter when the sun is low.

- The Town By-Law Regulation for a minimum lot area is 464 sq. meters. This severance request would make two lots on Henry that are about 30% too small,

137 sq. meters too small! This is not MINOR.

The intent of the Town of Orangeville Zoning By-Law 22-90, as amended and updated in June 2013 is to correct deficiencies when changes are made on a lot. There is no intent to sever regular lots to produce subsequent less than minimum regulation lots, with more deficiencies.

A property owner has the right to present their ideas to the Committee of Adjustment. If those changes do not meet the By-Laws, property owners have no right to assume they will get whatever they want, especially if those changes do not correct deficiencies and/or create more planning deficiencies. Or so the public would expect.

If this application is approved, optimistic new applicants will come to the Committee of Adjustment, like property owners of 5 Henry, requesting even more deficiencies and smaller setbacks than the last one. More deficiencies!

This severance is not in the public interest.

People who live in Orangeville have an expectation that Council and Committees of Council will defend our By-Laws. Members of the public are hard at work with Councillors to 'Celebrate and Promote the History of the Community', says the Town's Twitter. Hundreds of members of the public in Orangeville get involved with Heritage Preservation, Tree Tours, Environment Committees and Sustainability planning. Hundred- year old trees are more valuable to keep in Town, than sending out volunteers searching for their replacement with 'baby' trees. This severance meets none of those Public Interests, it works against us.

The Public looks to our Council and its Committees to defend the Official Plans, By-Law Regulations that support the interests and objectives of publicly supported initiatives and volunteer work. Residents want to preserve Orangeville's heritage, charm and country town ambience. Here is an opportunity to keep some of our old country town by not tearing up an old site on a 1870's lot and its giant maple trees.

5 Henry is already a severance, too small to sever again.

5 Henry was the cottage at the back of 42 John Street in 1875, to be used until John Ford's brick house was built in 1876. That brick house still stands at 42 John St. as part of our home. This 5 Henry is a severed lot from the time William Street was planned. At that time the Town introduced more formal planning for new wider streets with drinking water pipes, sewers, sidewalks and streetlights. **William is where the built infrastructure for the 5 Henry lot is already built.**

Henry has always been an old town feature, a side street.

According to the Ontario Planning Act, the front of a property on a corner lot is the side with the shortest street frontage. It is a misnomer to say 5 Henry fronts on Henry Street for planning purposes. The Planning Act recognizes William as the front, regardless of the address, or what real estate agents may use to list the property, to present the frontage as 40 meters on Henry, instead of 16.3 meters on William.

The property owners of 5 Henry today need to be asked for other options for 5 Henry and work more closely within the Town By-Laws. This lot has great potential for a larger R2 residential house with a second residential unit. Fronting on William, it would cost less to build where the infrastructure is already in place: no destruction of this entire heritage quality lot with huge maple trees, and not become an oddball sideways house too close to abutting older lots.

A more substantial single dwelling could comply with R2 By-Laws and Zoning residential units/hectare, preserve at least the two large maple trees, the side street community use of Henry St.

This would better complement the build-out of the neighbourhood that is going on in the neighbourhood now, without severing the lots. These new garages at the end of existing lots and extensions and/or more compliant replacement/extension of existing older houses, would be more compatible with the existing built form and utilities.

- **NEW PARKING BY-LAWS (2020) CAN NOT BE ACHIEVED**

Since the more recent parking By-Law 43-99; 2020-047, under **Section 5.17 Parking Area Regulations** additional parking is now required, even on the smallest lots. This is not possible on this very small lot. So I am assuming the parking is being proposed for 3 instead of the now required 4 parking areas, defaulted to **Section 5.29 Second Dwelling Units**, which allows for a minimum of 3 parking spaces, with just one parking space for the second dwelling unit—**for existing buildings, not new ones like this, on new lots!** So we have the highest coverage for the house with the minimum parking.

Why wouldn't a new build be required to have 4 parking spaces, **unless it was too small?**

The Regulation minimum of 464 sq. meters for an R2 lot is the minimum not a maximum for smaller and smaller severances. The 464 sq. meters minimum should be even larger to accommodate the new Parking By-Law areas.

- There are good reasons to plan using at least the Regulation 464 sq. meter minimum lot size, however, I would argue that there should have been a friendly amendment to the Town's **Parking Area Regulations By-Laws**. That Amendment would make all the various minimum regulation lots larger, by the area of the newly required additional parking (min. 15.39sq.m).

For example: If the minimum area for severed lots became 464 sq. meters PLUS 15.39 sq. meters, (2.7 sq. m x 5.7 sq. m = smallest allowed outdoor parking), for a total of 479.39 sq. meters. Only then would the same amount of lot area be preserved for setbacks, amenities for 2 units, etc., as before the new Parking By-Law was passed in 2020.

Situations like the one before us here, will create sub-minimal lots where more than half of the lot is taken up by the house and parking for cars. This new build will not meet the parking requirement. On the unsevered lot there would be no problem siting the 4 required parking areas. The trees would likely all be saved as well as the proud historic nature of our neighbourhood.

Note: When other communities were sampled for their number of required parking areas, at the time our Town was looking at what other Towns had in place, no reference was made to the size of the regulation minimum lots in those Towns. For example: Other Municipalities with well water systems, like Innisfil had bigger minimum lots. This was overlooked at the time the new Parking By-Law was being drafted.

Notwithstanding the new well coming on line, we must plan carefully how our Town maintains its existing well water infiltration areas, while sustaining the great growth of numerous new sub-divisions and future planned growth.

Is no severance too small? This severance is too small.

Without measurements in hand, one can see how the optimistic developer would look at the previous severance across the street on Henry and think they would have no trouble severing too. These properties are not the same however. Without realizing that the lot across the street started out with 76 sq. meters more than 5 Henry - one awkward small severance has led to another request for an even more deficient severance. If this severance gets consent, the bar is lowered again as to what precedents are established for developers to try on at the Committee of Adjustment.

- **This neighbourhood is Zoned Low Density This changes that zoned maximum.**

The proposed severed lots were identified in the 2017 severance request (that did not receive consent) for 5 Henry, as being over the low density R2 residential units/hectare maximum of 25 residential units/hectare. The neighbourhood density would go up to 30.52 residential units/hectare.

- **Trees**

There is no doubt in my mind, looking at this plan, that any Arborist Report would notice, the existing trees have no chance. They are in the designated parking area.

R2 Zoning already allows for 2 units requiring 4 parking spots on the whole old 5 Henry lot. Severance request doubles this to 4 units with six parking spots, appears to require all the large mature trees to be destroyed for parking. This is not good for the environment.

The lots are too small to safely preserve any of the 4 mature heritage aspect trees here in the Orangeville tree canopy.

Unfortunately the owner has the right to take these down, contrary to public sentiment towards the old growth tree canopy, for car parking.

Permeable paving has its benefits but only if it's not removing trees to create parking.

- Permeable paving is not an environmental replacement for mature trees.
- Two large maples on the severance and very likely both tall pines on the retained lot, require removal for an extended driveway and garage.
- Removing so many mature trees on this sloped lot may have adverse consequences for erosion run-off in our now more frequent heavy storm events.
- No amount of porous paving will do the job of 4 large established trees, to preserve the slope, help control flooding, provide shade and clean the water entering our well water based infrastructure.

These severed lots are too small to save the existing trees.

- **Is this severance really necessary?**

Numerous large developments, the size of small towns, continue to receive approval in Orangeville. Many more sites, than were identified in the Land Needs Study in 2016, will provide many more rental supply plus small, medium and larger lots for the Town Build-Out.

This severance is not the highest use/opportunity for this property?

? Does Orangeville really want to encourage more butchering of older corner lots to produce oddities, inconsistent planning and deficiencies on poorly severed lots?

- **Infrastructure is missing**

- There are no sewers, water mains or storm sewers for the proposed severed lot until Henry joins John Street down the slope, or water and sewage at William, up the slope.

-Although there may be capacity at the sewage plant, when it is not raining very heavily, there is no built infrastructure in place for the severed lot on Henry.

-If the Town has to build the 55mm water service and 125 mm sanitary sewer service, and the applicant has to cover the cost, isn't building private infrastructure an unnecessary use of Town time and manpower?

- There is one storm drain on the south corner and one on the north corner at John and Henry. With the existing run-off amounts, I frequently have to go outside and shovel snow, hack ice or shovel leaves off those storm sewers, to prevent ice and ponding at the bottom of the Henry St. slope. Plows tend to bury the storm drains with heavy snow removal. Snow melt from road clearing plus now more parking space will add to the Spring run-off.

- **Setbacks and Grading Issues:**

- No elevations are on the flat diagram – only 'Option A' footprint. For such a total remake of the property there is no way of understanding the bulk, or height of the building on the severance lot.

- The site plan shows the minimum setback of 1.5 meters, or 4'10" at our rear lot line.

Depending on how high this 2 unit building sits on the site, 1.5 meters may not be adequate to grade down 4 feet or more to our rear lot line and not cause drainage issues towards our backyard and garage, and somewhat bury our fence.

- Would this not require a retaining wall to prevent run-off from the potential steep slope being created?

Note: The severed property across the street has provided much more than 1.5m or 4' to accomplish their height drop to the back lot line of the neighbour. This still looks pretty odd/out of place/a mistake

• **Mess, Noise and Traffic During Construction**

-If the entire lot is to be torn up and reconstructed, how will the mess and run-off be managed during the demolition of the old house, excavation, fill, regarding and construction for the 40.2 meter length of Henry, up to the corner of William, and prevent impacts on the abutting neighbours' properties, (dust, dirt, mud, creatures exiting the demolition etc., and for how long?

• **Traffic and safety issues: Curb-cuts and more maneuvering vehicles**

The proposed severance doubles the potential number of cars parking off Henry and introduces a second curb-cut (to accommodate 3 cars), along Henry for the severance. This severed driveway will not have the desired position of being directly opposite from a curb-cut across our narrow street. This lining up of driveways prevents problems for larger personal and service vehicles that must back up within the narrow street.

- Current driveways line up across the street.

- Personal vehicles are getting bigger and bigger. Self employed persons and some employees park business vans and trucks at home.

-Increased residential vehicles raises the risks for everyone using this narrow side street for daily activities.

- Currently, with some residents working on computers at home on Henry, there is little traffic from residents and a quiet work environment exists. Walking on Henry is pretty safe now, for children, dog walkers, cyclists and gardening in our back yards along Henry. This will be jeopardized, for what good?

Conclusion: THIS IS NOT A MINOR VARIANCE

1. It imposes too many changes, planning deficiencies, and is out of character with the existing neighbourhood.

2. The 5 Henry Street lot is too small to sever and come even close to conforming to the established built neighbourhood. This proposal would simply produce two substandard properties, while at the same time change the nature of Henry Street, which is now a well-treed old narrow side street with heritage land use character.

3. This consent request is not in keeping with the idea of filling in gaps in older development. This is not a 'gap'. This is an older lot that has been well used by a single family before it was assigned/bought by the current owners for speculation.

Although the Province wants existing urban areas to become more dense, this is not the safest place for increased density, on a narrow side street.

4. This severance application is not in the public interest. An undesirable precedent.

Orangeville prides itself on its slogan 'Historic Charm, Dynamic Future'.

This obliterates any 'Historic Charm' and creates a dangerous amount of traffic on an old traditional side street where people walk in the neighbourhood, because it still is an attractive old side-street with original lots.

The intent of the Town of Orangeville Zoning By-Law 22-90, as amended and updated in June 2013 has no mandate to sever lots that produce subsequent lots that will cause more deficient, less than minimum lots. The intent is to correct deficiencies when changes are made. If this application is approved it will mean any new severed lot on Henry would be as, or more, deficient as the severance in 2008. The message the Town would be sending is: that you can, with unrequested developer requests for severances, effectively altering the Zoning, incrementally, at the Committee of Adjustment with very deficient severance approvals, and not through the planning process. **This severance would be a tipping point on Henry St.**

A better plan is needed for this nice old lot on narrow Henry Street.

One that does not sever this old lot.

- What would be so wrong to do as planning recommends, to take this opportunity to have this old lot conform more to the neighbourhood planning as a single R2 lot?
- Largish lots in the old town are rarely for sale. People are looking for indoor and outdoor space for family, pets and working at home. The original conventional land use would be a far higher use and fit for our old neighbourhood.

- This neighbourhood around this corner of William and Henry, and John and Henry, has seen a lot of building out on the existing lots. Extensions on houses, and new garages have become more commonplace. This is how the neighbourhood has chosen to evolve within the old planning envelope. This lot could be part of this more zoning friendly, sympathetic trend. No houses facing sideways.

- The water mains, sewers, sidewalks, and streetlights are infrastructure already built on William Street.

- More trees can be saved and the character and charm of the old side streets, like Henry won't disappear.

In regards to the evaluation 'prescribed for the Town (Council) to take into consideration when evaluating intensification developments', in the meeting agenda:

a) As an abutting neighbour this severance request is not compatible with the adjacent residential lots. This severance wants a house 1.5m from the rear lot. That is the distance for an accessory building with limited height. The front yard proposed has the equivalent of minimum side yard setbacks. So it has no front yard.

b) The construction of a house 1.5 meters from our rear lot line, and elevated to build a basement on the leveled slope will cause shadowing over our yard, as we are downhill of the severance. The William St. neighbour will also lose what little sun he has in his back yard from the height of the dwelling unit casting shadow in their back yard.

It begs the question of this driveway-width back yard on the severed lot getting light.

c) What are the other options for this property? Why don't the property owners have options for the whole property with one dwelling with 2 units. This would double the existing units, as the existing 5 Henry is a single dwelling unit. All the other houses on this part of Henry are occupied by single families.

The severance request in 2017 was denied. This one is even worse, with a bigger dwelling house on the severance and more parking requirements that are still deficient for the new Parking Regulations. There are no sidewalks on Henry, no streetlights, sewers or water mains along Henry. A child would have to cross several streets to get to a park.

The street width creates traffic problems now, Henry is a narrow side street.

(The garbage truck is impossible to pass on Henry and in Winter the guys have to walk down the street from William to pick up bags etc., as snow narrows the street. The new severance is not good for more garbage services for 2 more units.)

d) Energy use and green building performance etc.,

Removing trees for parking is not an environmental benefit.

A single dwelling would require many fewer resources and provide needed open spaces for infiltration, rather than removing trees for parking. Permeable paving cannot replace trees.

5 Henry is too small to sever. This is not a MINOR VARIANCE. It changes the street. If the Town wants to rezone our neighbourhood for new zoning and density, Committee of Adjustment is not the process.

Sincerely, Karey Shinn, 42 John Street