

DEJAN BADNJAR AND SLOBODANKA RADEN

8 Henry Street / Orangeville / ON / L9W 1R6 / [REDACTED]

OBJECTING TO A MINOR VARIANCE

November 29, 2021

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

*Re: File No. A-15/21 and A-16/21, concerning 5 Henry Street,
before Committee of Adjustment, December 1, 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 Secretary and Members of the Committee,

Sub-section 45(1) of the Planning Act (PA) sets out four Statutory Tests which must be considered by the Committee and satisfied by the applicant, before an Application for zoning variance can succeed. If the Application fails any one of the four Tests, while passing the other three, then the PA requires that the Application must fail. These Tests, being created by statute, are mandatory and all must be met. Notwithstanding that a proponent may satisfy all four Tests, the Committee may in its discretion refuse relief. The following are the four Tests to be applied:

1. Is the variance minor?

In my opinion, the variance in this case is not to be considered minor for two reasons, it is too large and the extent of the impact it would have on neighboring properties in the immediate area. Reducing the minimum lot area from 464 sq. meters to 327 sq. meters is a 30% reduction, not "minor". In discussions with my neighbors, the introduction of two properties raises concerns that are related to loss of sunlight, privacy, views, spacing and openness. It will most certainly create issues related to access, cutting two mature trees, parking, drainage, traffic and noise. The very narrow Henry Street is often used by kids, dog walkers, and joggers because it is not busy. The street does not have sidewalks, streetlights or available space for parking. Two cars can barely pass each other. The proposed development would not be compatible with the character of the old town laneway that we all cherish and extensively maintain. The existing property is a heritage building and it was my understanding that Heritage Orangeville requires the new dwelling to comply with the heritage guidelines.

2. Would the granting of the variance result in a development that would be desirable for the appropriate development or use of the applicant's land or building?

It can be assumed that the applicant plans to use the two properties with two separate units as rentals. Such use would create obvious problems related to parking, privacy, noise and general feeling of overcrowding on such a small and narrow street corner. The winter snow accumulation on the street sides is quite extensive. We often must take the garbage to the corner of Henry and William in order to be picked up. Having three driveways on Henry Street is unreasonable.

3. Does the variance requested maintain the general intent and purpose of the zoning by-law?

The intent and purpose of a zoning by-law is to prescribe the front, rear and side yard setbacks, building size, height and use. It speaks to matters such as spacing, privacy, density, light and air and gives the neighborhood its built form and character. NONE of the minimum by-law allowances are met.

4. Does the variance requested maintain the general intent and purpose of the Official Plan (OP)?

With introduction of many new developments around town, do we really need to transform small pockets into high density areas? We certainly did not expect this laneway to change its character in such degree when purchasing our property.

Most of us on the street are self-employed and work from home. I have a music studio in my basement. Any development to the neighboring property would immensely affect my work. It makes me very happy that we live amongst the group of neighbors who evidently care about our small corner. I would urge the committee to do the same and consider all options before making the decision.

Sincerely,

*Dejan Badnjar &
Slobodanka Raden*