

Subject: Planning Report – A01-22 – 43A First Street

Department: Infrastructure Services

Division: Planning

Meeting Date: 2022-02-02

Recommendations

That Planning Report – A01-22 – 43A First Street be received;

And that Minor Variance Application (File No. A021-22) to reduce the minimum interior side yard (northerly) setback from 1.8 metres to 1.2 metres, be approved, subject to the following condition:

- 1. That Site Plan application SPA-2021-05 be approved.**

Introduction

Legal Description: Lot 14, Block 10, Registered Plan 201

Municipal Address: 43A Second Street

Applicant(s): 2649533 Ontario Inc.

Official Plan Designation: Restricted Commercial Residential (Schedule 'C')

Zoning (By-law 22-90): Restricted Commercial Residential (C5) Zone, with Holding (H) Symbol

Purpose: The applicant is requesting a minor variance to reduce the minimum interior side yard setback from 1.8 metres to 1.2 metres. The variance is to permit the construction of a triplex.

Background

The subject property is legally described as Lot 14, Block 10, Registered Plan No. 201, and is municipally known as 43A First Street. It is located on the east side of First Street, between Third Avenue and Fourth Avenue. The property is approximately 1,220 square metres (13,132 square feet) in size, with approximately 15.4 metres (50.5 feet) of frontage along First Street. A 1-storey detached dwelling exists on the property, located within a

mixed-use area consisting of commercial and residential uses. The location of the subject property is indicated on Attachment No. 1.

The applicant is proposing to construct a 3-storey triplex, as shown in Attachment No. 2. Access to the property will be via the existing driveway on First Street. The applicant has submitted a Site Plan application (SPA-2021-05) which is currently under review.

In order to permit the development as proposed, a reduction in the northerly interior side yard setback is required. Therefore, the purpose of this application is to reduce the minimum interior side yard setback (northerly) from 1.8 metres to 1.2 metres.

Pending approval by the Committee of Adjustment of this application, the proposed development will comply with the Zoning By-law; however, will still require Site Plan approval, removal of a Holding (H) Symbol, and applicable permits under the Ontario Building Code.

Analysis

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:

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, either alone or in combination. A triplex is a permitted use. The reduced interior side yard as a result of the proposed triplex does not offend any high-level policy direction of the Official Plan.

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. The Holding (H) Symbol applied to the lands will be removed once the Town is satisfied that the proposed development can be appropriately serviced (Section 5.24).

Section 18.5 of the By-law prescribes a minimum interior side yard setback of 1.8 metres to the side of a triplex having two or more storeys. The applicant is requesting a minor variance to reduce the minimum interior side yard setback from 1.8 metres to 1.2 metres, in order to construct the proposed 3-storey triplex.

The purpose of the side yard is to provide ease of access to the rear amenity area, allow for property maintenance, and ensure privacy between properties.

The applicant is proposing to construct a 3-storey triplex on the subject property, with 9 parking spaces in the rear yard, as shown in Attachment No. 2. Vehicular and pedestrian access to the rear yard are proposed via the south side of the property. The driveway is proposed to be 3.55 metres wide and the pedestrian walkway is proposed to be 1.2 metres wide, for a total width of 4.75 metres. As a result, the remaining northerly interior side yard is 1.2 metres.

Consistent with surrounding properties, the proposed triplex is located close to First Street, with the rear of the property proposed for parking and rear yard amenity space. This eliminates any concerns associated with overlook into the neighbouring rear yard amenity areas. Staff are in the process of reviewing a Site Plan application (SPA-2021-05) submitted to facilitate this development. In order to ensure the placement of the building is appropriate, planning staff have recommended a condition that requires this Site Plan application be approved for this variance to take effect.

The reduced northerly interior side yard setback of 1.2 metres is not anticipated to have any adverse impacts on access to the rear yard or the ability to maintain the property and building.

Subject to the recommended condition, the requested variance maintains the general intent of the Zoning By-law.

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

Triplices are permitted pursuant to the policies of the Zoning By-law No. 22-90. The proposed variance will not have adverse impacts on surrounding properties, while providing additional dwelling units on the property.

The requested variance is considered desirable and appropriate for the use of the land.

4. Minor in Nature

In consideration of the foregoing, the application for minor variance to Zoning By-law No. 22-90 is deemed minor in nature.

Infrastructure Services – Transportation & Development Comments:

Infrastructure Services has reviewed the Notice of Hearing for the minor variance, Application No. A-01/22 for the property described as Lot 14, Block 10, Registered Plan 201, municipally known as 43A First Street, in the Town of Orangeville. The minor variance is to reduce the minimum side yard setback from 1.8 metres to 1.2 metres to permit the construction of a triplex.

Infrastructure Services is not aware of any grading, drainage or servicing issues that would preclude the granting of this variance. Concluding, Infrastructure Services, Transportation and Development Division does not object to granting the minor variance, reducing the minimum side yard setback from 1.8 metres to 1.2 metres to permit the construction of a triplex.

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