

Subject: Planning Report – A02-22 – 35 Second Street

Department: Infrastructure Services

Division: Planning

Meeting Date: 2022-02-02

Recommendations

That Planning Report – A02-22 – 35 Second Street be received;

And that Minor Variance Application (File No. A02-22) to reduce the minimum interior side yard setback from 1.5 metres to 1.2 metres and to permit a 7.52-metre-wide driveway within 11.14 metres of the face of the proposed attached garage located in the rear yard, be approved, generally in accordance with the submitted site plan.

Introduction

Legal Description: Part of Lots 11, 12 and 13, Block 8, Registered Plan 159

Municipal Address: 35 Second Street

Applicant(s): Alan McFayden

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

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

Purpose: The applicant is requesting minor variances to reduce the minimum interior side yard setback from 1.5 metres to 1.2 metres and to permit a 7.52-metre-wide driveway within 11.14 metres of the face of the proposed attached garage located in the rear yard.

Background

The subject property is legally described as Part of Lots 11, 12 and 13, Block 8, Registered Plan 159, and is municipally known as 35 Second Street. It is located on the southeast corner of Second Street and Third Avenue. The property is approximately 761 square metres (8,191 square feet) in area, with 13.3 metres (44 feet) of frontage along Second Street, and 57 metres (187 feet) of frontage along Third Avenue. A 1-storey

detached dwelling exists on the property and is situated within a low-density residential neighbourhood. The dwelling is included on the Town's Municipal Heritage Register of Properties of Cultural Value or Interest, as non-designated. The location of the subject property is indicated on Attachment No. 1.

The applicant is proposing to construct a 2-storey addition and garage at the rear of the existing dwelling, as shown on Attachment No. 2. The Zoning By-law requires that 2-storey dwellings have a minimum interior side yard setback of 1.5 metres (Section 8.2). Further, the Zoning By-law prescribes a maximum driveway width at the street line of 6.0 metres. The driveway is permitted to widen to match the width of the garage opening within 6.0 metres of the garage entrance.

The proposed addition is setback 1.2 metres from the southerly property line. Due to the orientation of the garage, the portion of the driveway accessing the garage is 11.14 metres deep. Therefore, the purpose of the application is to reduce the minimum interior side yard setback from 1.5 metres to 1.2 metres and to permit a 7.52-metre-wide driveway within 11.14 metres of the face of the proposed attached garage located in the rear yard.

Pending approval by the Committee of Adjustment of this application, the proposed development will comply with the Zoning By-law; however, will still require 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 "Low Density Residential" in the Town of Orangeville Official Plan. Detached dwellings are permitted land uses pursuant to the residential policies of the Official Plan. The variances as result of the proposed addition do not 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 22-90, as amended. The R2 Zone permits a range of residential uses, including detached dwellings.

Section 8.2 of the By-law prescribes a minimum interior side yard setback of 1.5 metres to the side of a dwelling having two or more storeys. The applicant is requesting a minor variance to reduce the minimum interior side yard setback from 1.5 metres to 1.2 metres to construct a 2-storey addition.

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 subject property is a corner lot containing an existing detached dwelling. The existing dwelling is setback 0.57 metres from the southerly property line, already restricting rear yard access on that side. The northerly (exterior) side yard, abutting Third Avenue, is and would remain unobstructed. As such, the proposed 2-storey addition with a southerly side yard setback of 1.2 metres does not further impede access to the rear yard. The ability to maintain the 2-storey addition is not anticipated to be adversely impacted due to the reduced setback.

Further, the proposed addition contains limited windows (stairwell and washroom) on the south side. This eliminates any concerns associated with overlook into the neighbouring rear yard. In order to further mitigate any impacts, planning staff have recommended a condition that limits the reduced side yard setback only to the extent of the proposed addition, as shown in Attachment 2.

The Zoning By-law prescribes a maximum driveway width at the street line of 6.0 metres. The driveway is permitted to widen to match the width of the garage opening within 6.0 metres of the garage entrance. The applicant is requesting a minor variance to permit a 7.52-metre-wide driveway within 11.14 metres of the face of the proposed attached garage located in the rear yard.

The purpose of limiting the permitted driveway widening to within 6.0 metres of the garage is to allow adequate depth for a vehicle to enter/exit the garage while maintaining the maximum entrance width at the street line to preserve the streetscape.

The proposed garage does not face the street and as such, additional space (11.14 metre depth) is required to facilitate the 90-degree turning movement into the 7.52 metre wide garage opening. The applicant is not proposing to expand the driveway at the street line. As such, there will be no adverse impact on the streetscape, while providing adequate room to access the garage.

The requested variances maintain the general intent of the Zoning By-law.

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

Single detached dwellings, as well as additions, are permitted pursuant to the policies of the Zoning By-law No. 22-90. The proposed variances will not have adverse impacts on surrounding properties, while increasing the living area of the existing detached dwelling.

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

4. Minor in Nature

In consideration of the foregoing, the application for minor variances 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 minor variances, Application No. A-02/22 for the property described as Parts of Lots 11, 12 and 13, Block 8, Registered Plan 159, municipally known as 35 Second Street, in the Town of Orangeville. The minor variances are to reduce the minimum interior side yard setback from 1.5 metres to 1.2 metres and to permit a 7.52-metre-wide driveway within 11.14 metres of the face of the proposed attached garage located in the rear yard. The variances are to permit the construction of a two-storey addition at the rear of the existing home.

Infrastructure Services is not aware of any grading, drainage or servicing issues that would preclude the granting of these minor variances. Concluding, Infrastructure Services, Transportation and Development Division does not object to granting the variances to reduce the minimum interior side yard setback from 1.5 metres to 1.2 metres and to permit a 7.52 metre-wide driveway within 11.14 metres of the face of the proposed attached garage located in the rear yard, to permit the construction of a two-storey addition at the rear of the existing home.

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 & Elevations