
Subject: Planning Report – Application No. A04-022 – 26 Sarah Street

Department: Infrastructure Services

Division: Planning

Meeting Date: 2022-04-06

Recommendations

That Planning Report – A04-22 – 26 Sarah Street be received;

And that Minor Variance Application (File No. A04-22) to increase the maximum accessory building height from 4.3 metres to 6.5 metres, to permit an accessory dwelling unit only within the accessory structure of a detached dwelling, and to increase the maximum lot coverage for an accessory building from 10% to 13%, be approved, generally in accordance with the submitted Site Plan.

Introduction

Legal Description: Lot 43, Block 7, Registered Plan 138

Municipal Address: 26 Sarah Street

Applicant(s): Robert and Erika Tamburro

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

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

Purpose: The applicants are requesting minor variances to:

- (1) increase the maximum accessory building height from 4.3 metres to 6.5 metres;**
- (2) permit an accessory dwelling unit within the accessory structure of a detached dwelling; and,**
- (3) to increase the maximum lot coverage for an accessory building from 10% to 13%.**

Background

The subject property is located on the west side of Sarah Street, between Wellington Street and Mary Street. The property is approximately 616 square metres (6,631 square feet) in area, with 15 metres (49 feet) of frontage along Sarah Street and 15 metres (49 feet) of frontage onto Peavoy Lane at the rear. A 1-storey detached dwelling exists on the property and is situated within a residential neighbourhood. The location of the subject property is indicated on Attachment No. 1.

The applicant is proposing to construct a 2-storey, 79 square metre accessory structure (carriage house), with access from Peavoy Lane, as shown on Attachment No. 2. It is proposed to be 6.5 metres in height and contain 1 parking space and mechanical room on the ground floor, with a dwelling unit on the upper floor. The Zoning By-law does not permit a second dwelling unit within an accessory structure (Section 5.29). Further, the Zoning By-law requires that the accessory structure not occupy more than 10% of the lot, not exceed 4.3 metres in height, nor be closer than 1.2 metres to a side or rear lot line (Section 5.2.2). Therefore, the purpose of this application is to increase the maximum accessory building height from 4.3 metres to 6.5 metres, permit an accessory dwelling unit within the accessory structure of a detached dwelling; and to increase the maximum lot coverage for an accessory building from 10% to 13%.

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 and accessory structures are permitted land uses pursuant to the residential policies of the Official Plan. Section E.15 of the Official Plan speaks to permissions for second dwelling units. It permits the creation of an accessory building on a lot as a second dwelling unit, subject to the provisions of the Zoning By-law. Pending approval by the Committee of Adjustment of this application, the proposed development will comply with the provisions of the Zoning By-law.

The increased height and size of the accessory building 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 22-90, as amended. The R2 Zone permits a range of residential uses, including detached dwellings.

As previously described, the Official Plan provides direction to permit second dwelling units in accessory structures (Section E.15), subject to the provisions of the Zoning By-law. The Zoning By-law only permits second dwelling units within single and semi-detached dwellings (Section 5.29), provided that there is only one entrance in the front wall of the dwelling unit, and at least 3 parking spaces are provided. As such, the applicant is requesting a minor variance to permit an accessory dwelling unit only within the accessory structure of a detached dwelling. It should be noted that only one additional dwelling unit is permitted per property.

The Zoning By-law does not provide as-of-right permissions for second dwelling units within accessory structures. This provides an opportunity to individually evaluate such proposals to ensure that they are suitable for the lot, and to determine if it is appropriate for the application to proceed through a Minor Variance or a Zoning By-law Amendment. Based on the proposal, staff have determined that Minor Variance is the appropriate process.

The subject property is approximately 616 square metres (6,631 square feet) in area, and contains a 130 square metre, 1-storey detached dwelling. There is adequate space on the property to facilitate the creation of a second dwelling unit within an accessory structure at the rear of the property off of Peavoy Lane, as shown in Attachment No. 2. No additional variances for setbacks are required. Vehicular access to the accessory structure is proposed from Peavoy Lane. A total of three parking spaces are proposed. One parking space is proposed within the ground floor of the accessory structure, and two parking spaces are proposed within the driveway, meeting the parking requirements for two dwelling units. The existing driveway access onto Sarah Street is proposed to be removed.

The Zoning By-law prescribes a maximum height of 4.3 metres (Section 5.2.2) for an accessory structure, which is not adequate to facilitate a second dwelling unit above the garage. As such, the applicant is requesting a minor variance to increase the maximum accessory building height from 4.3 metres to 6.5 metres.

The purpose of the 4.3 metre height restriction is to limit accessory structures to 1-storey in order to minimize sight-line and privacy impacts on adjacent properties.

The accessory structure is proposed to have interior side yard setbacks of 2.1 metres (south) and 1.4 metres (north). This exceeds required 1.2 metre interior side yard setback for an accessory structure, and maintains the intent of the required 1.5 metre setback requirement for a 2-storey dwelling within the R2 Zone. Further, the accessory structure is proposed to be setback 7 metres from the rear property line (Peavoy Lane). This exceeds the required 1.2 metres setback for an accessory structure, and meets the

required 7.0 metre rear yard setback to a dwelling within the R2 Zone. As such, the 6.5 metre height is not anticipated to have adverse impacts associated with overlook into the neighbouring yards, while providing the required height for a dwelling unit on the second storey. In order to further mitigate any impacts, the variances are limited to the extent shown in Attachment No. 2.

The Zoning By-law prescribes a maximum lot coverage for an accessory building of 10% (Section 5.2.2). The applicant is requesting a minor variance to increase the maximum lot coverage for an accessory building from 10% to 13%.

The purpose of a lot coverage restriction is to ensure that adequate amenity area is provided. Further restricting accessory structure lot coverage to 10% is to ensure that the main dwelling is the predominant structure.

The proposed accessory structure footprint is approximately 79 square metres, or 13% of the total lot area. This size is required to provide adequate space on the ground floor of the garage for parking as well as the mechanical room, which will service the dwelling unit on the second floor. The footprint of the main dwelling is approximately 130 square metres, or 21% of the total lot area. The total proposed lot coverage is 34%, which falls below the maximum permitted lot coverage of 40%. As such, adequate amenity space is provided, and the main dwelling remains as the predominant structure.

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 accessory structures are permitted uses pursuant to the policies of the Zoning By-law No. 22-90. The proposed variances will not have adverse impacts on surrounding properties, while facilitating an additional unit on the property.

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-04/22 for the property described as Lot 43, Block 7, Registered Plan 138, municipally known as 26 Sarah Street, in the Town of Orangeville. The variances are to increase the maximum accessory building height from 4.3 metres to 6.5 metres, to permit an accessory dwelling unit within the accessory structure of a detached dwelling, and to increase the maximum lot coverage for an accessory building from 10% to 13%. The variances are to permit the construction of an accessory building.

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 minor variances to increase the maximum accessory building height from 4.3 metres to 6.5 metres, to permit an accessory dwelling unit within the accessory structure of a detached dwelling and to increase the maximum lot coverage for an accessory building from 10% to 13%.

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

Prepared by

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