



## Report

**Subject:** Appointment of Heritage Orangeville Members to Review Committee of Adjustment Application Notices

**Department:** Corporate Services

**Division:** Planning [Report Number]

**Meeting Date:** 2022-03-17

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### Recommendations

That Report: Appointment of Heritage Orangeville Members to Review Committee of Adjustment Application Notices, be received.

And that Heritage Orangeville appoint two (2) of its members in a primary and alternate capacity respectively, to be responsible for reviewing Committee of Adjustment application notices and providing comments on the applications as appropriate, based on the nature of the application and the mandate of Heritage Orangeville.

And that the Heritage Orangeville hereby appoints:

- i. \_\_\_\_\_ as the primary member; and
  - ii. \_\_\_\_\_ as an alternate member;
- to review and comment on Committee of Adjustment application notices.

### Background and Analysis

Like many municipalities, Orangeville has established a Committee of Adjustment (“C of A” or “Committee”) under the authorities of the Planning Act, as a Council-appointed group responsible for considering and making decisions on applications for minor variances to the Town’s Zoning By-law, as well as applications for consent to sever land.

Minor variance applications are typically submitted for site developments, redevelopments or renovations, where the proposal generally meets the requirements of the Zoning By-law but requires relief or “variance” from certain standards of the By-law that the proposal cannot meet. This often includes matters such as a reduction to a minimum yard setback, an increase to a maximum building height, an increase to a maximum lot coverage requirement, etc.. The C of A has the authority to grant a “Minor Variance” to the Zoning By-law in these circumstances, instead of requiring an amendment to the Zoning By-law. In considering a Minor Variance application, the

Committee must be satisfied that criteria specified in the Planning Act is met by the application. This includes whether the requested Minor Variance:

1. conforms to the intent of the Official Plan;
2. meets the intent of the Zoning By-law;
3. is appropriate and desirable for the use of the land, building or structure; and
4. is minor in nature.

The Planning Act outlines parameters for how Minor Variance applications are processed, which includes a requirement for the Committee to make a decision on an application within 30-days of receipt. There are also requirements for circulating a Notice of an application prior to the C of A public hearing in which the application would be considered.

The C of A also considers applications for Consent, which typically involve land severances to create new lots, adjustments to the boundary(ies) of existing lots, establishing easements, etc. Consent applications are also subject to similar process requirements under the Planning Act, in terms of notification, decision-making, etc.. All C of A application decisions are subject to certain rights of appeal.

The timelines associated with C of A applications conflict with the monthly Heritage Orangeville meeting agenda schedule, making it difficult to provide these items to Heritage Orangeville for comment before they are decided upon. Essentially, application notices for an upcoming C of A hearing are often issued after the agenda is prepared for the prior Heritage Orangeville meeting. Notwithstanding this, the nature of C of A applications may be minor in scope and/or unrelated to any heritage attribute(s). Therefore, their review and comment by Heritage Orangeville may often be unwarranted.

Notwithstanding this, it is appropriate to advise Heritage Orangeville of C of A application matters before they are decided upon. This would give Heritage Orangeville the opportunity to comment on any application where it is of a significant scope and relates to a heritage property, where its approval could negatively impact identified heritage attributes.

To address the timeline conflicts between the C of A application process and the Heritage Orangeville meeting schedule, staff recommend that the Committee appoint two members who would be circulated on all C of A application notices. The two (2) members would be appointed with one serving in a primary capacity, and the other as an alternate, who would fill this role when the primary member is unable to do so.

The appointed members would be circulated on all C of A application notices (i.e., for Minor Variances, consents to sever, etc.). Notice distribution would occur by email and the appointed members would be expected to provide comments (where appropriate) by email. To maintain timelines for C of A application processing, the appointed members would be expected to submit any comments on applications within three (3) to

five (5) business days of receipt. The current practice of including notices of decisions for C of A applications on monthly Heritage Orangeville meeting agendas would remain.

The role of the appointed member would be responsible for reviewing the substance of an application and providing comments to the C of A where appropriate. In reviewing C of A applications, the appointed Heritage Orangeville members would be expected to consider the following when determining if the matter is relevant to Heritage Orangeville and if so, what are the comments that should be submitted:

- 1) Is the subject property an identified heritage property, or adjacent to identified heritage property(ies)?
- 2) What is the level of heritage identification that may apply to the subject property(ies) or surrounding area in question, i.e., listed (non-designated) or designated individually or within a district?
- 3) How would the application affect any heritage attributes associated with the heritage identification of the property (or area)?

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## **Strategic Alignment**

### **Orangeville Forward – Strategic Plan**

Priority Area: Community Stewardship

Objective: Maintain and Protect our Built and Natural Heritage

### **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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## **Notice Provisions**

There are no public notification provisions applicable to this report.

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## **Financial Impact**

There are no financial impacts anticipated to the Town arising from this report.

Respectfully submitted

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Manager, Planning, Infrastructure Services

**Attachment(s):**     None