



## Report

**Subject: Planning Report – A13-22- 30 William Street**

**Department: Infrastructure Services**

**Division: Planning**

**Meeting Date: 2022-11-02**

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### Recommendations

**That Planning Report – A13-22 – 30 William Street be received;**

**And that the Minor Variance Application (File No. A13-22) to permit an accessory dwelling unit only within the accessory structure of a detached dwelling, and to increase the maximum height of an accessory building from 4.3 metres to 5 metres, be approved, generally in accordance with the submitted Site Plan.**

### Introduction

Legal Description: Part of Lot 6, Block 6, Plan Number 216

Municipal Address: 30 William Street

Applicant(s): Donald and Judith Farnan

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 permit an accessory dwelling unit only within the accessory structure of a detached dwelling, and to increase the maximum height of an accessory building from 4.3 metres to 5 metres.

These variances are to permit the construction of an accessory dwelling unit in an existing detached garage.

### Background

The subject property is located on the west side of William Street, between Henry Street and Hannah Street. The property is approximately 564 square metres (6,070 square feet) in area, with 14 metres (46 feet) of frontage along William Street. A 1-storey detached

dwelling exists on the property and is situated within a low-density residential neighbourhood. There is also an existing 1-storey detached garage located at the rear of the property. The location of the subject lands is indicated on Attachment No. 1.

The applicant is proposing to convert the existing 1-storey detached garage into a second dwelling unit, containing 2 parking spaces on the ground floor, with the accessory apartment located above, as shown in Attachment 2. 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 permit an accessory dwelling unit only within the accessory structure of a detached dwelling, and to increase the maximum height of an accessory building from 4.3 metres to 5 metres.

Pending the Committee of Adjustment approval of this application, the proposed development will comply with the Zoning By-law, but 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 a Committee of Adjustment approval of this application, the proposed development will comply with the provisions of the Zoning By-law.

The increased height of the accessory building does 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 564 square metres (6,070 square feet) in area. The property currently contains a detached dwelling as well as the detached garage that is proposed to be converted into an accessory apartment, as shown in Attachment No. 2. No additional variances for setbacks or coverage are required. Vehicular access to the accessory unit is provided via the existing driveway from William Street. Ample parking is provided within the existing driveway, in addition to the two parking spaces contained within the detached garage.

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 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 detached garage currently has interior side yard setbacks of approximately 2 metres (north) and 3 metres (south). 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 setback approximately 3 metres from the rear yard, which also exceeds the required 1.2 metres setback for an accessory structure. As such, the existing 5.0 metre detached garage height is not anticipated to have adverse impacts associated with overlook into the neighbouring yards when converted into an accessory apartment. In order to further mitigate any impacts, the variances are limited to the extent shown in Attachment No. 2.

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 and second dwelling units 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-13/22 for the property described as Part of Lot 6, Block 6, Plan Number 216, municipally known as 30 William Street, in the Town of Orangeville, County of Dufferin. The minor variances are to permit an accessory dwelling unit only within the accessory structure of a detached dwelling, and to increase the maximum height of an accessory building from 4.3 metres to 5 metres. These variances are to permit the construction of an accessory dwelling unit in an existing detached garage.

Infrastructure Services is not aware of any grading, drainage or servicing issue that would preclude the granting of these minor variances. Concluding, Infrastructure Services, Transportation and Development Division does not object to the minor variances to permit an accessory dwelling unit only within the accessory structure of a detached dwelling, and to increase the maximum height of an accessory building from 4.3 metres to 5 metres. These variances are to permit the construction of an accessory dwelling unit in an existing detached garage.

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## **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

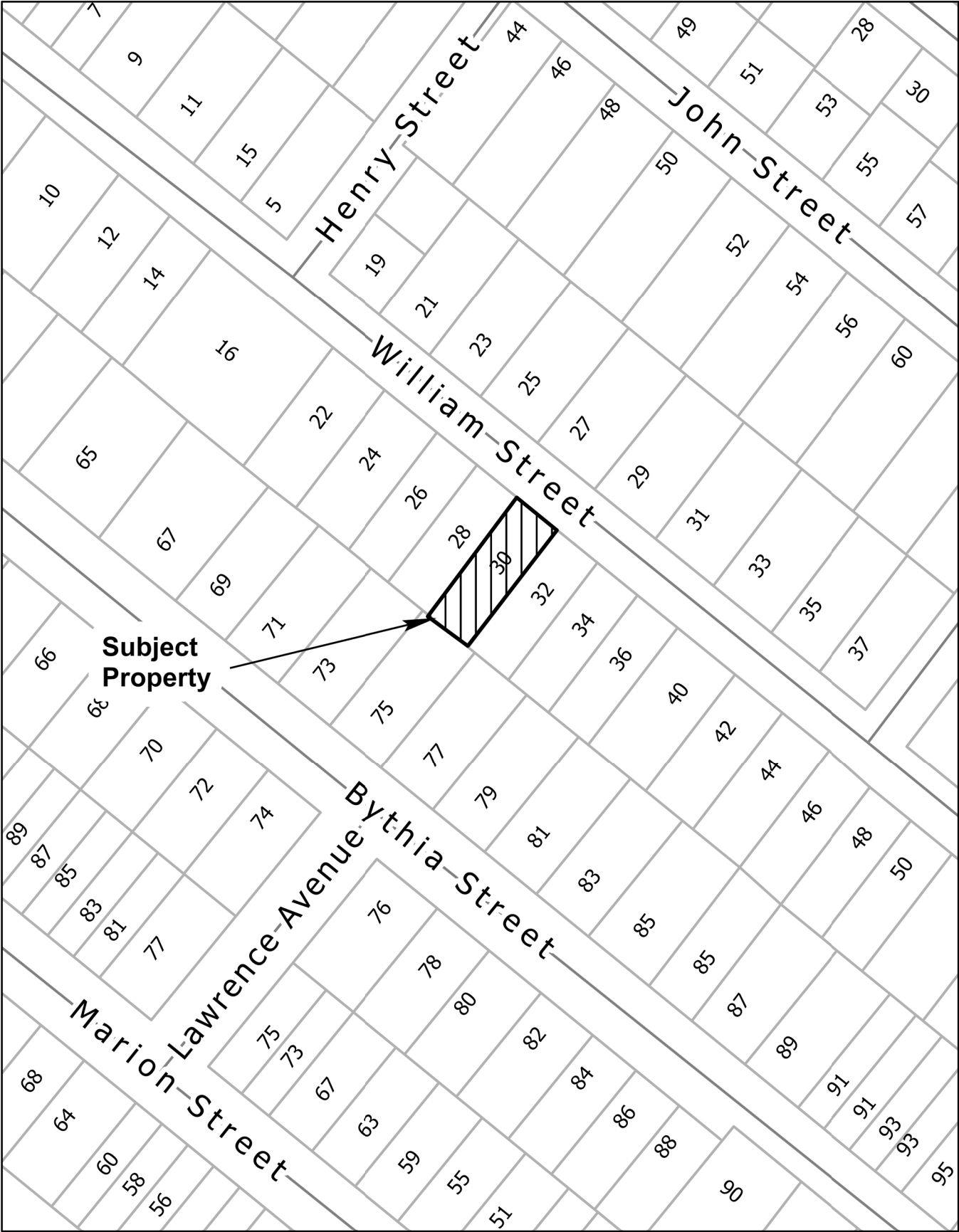
Prepared by

Larysa Russell, MCIP, RPP  
Senior Planner, Infrastructure Services  
Services

Reviewed by

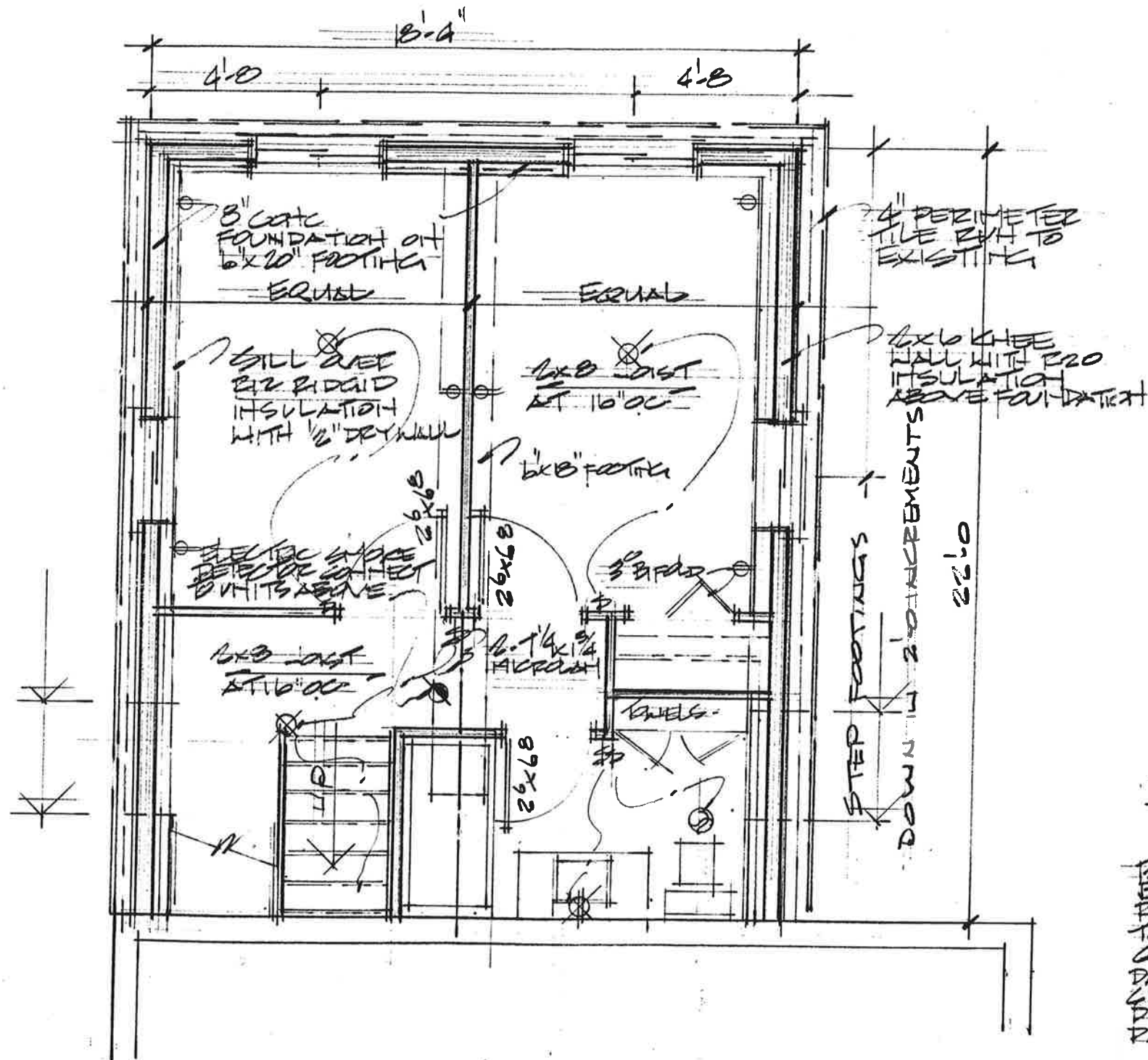
Brandon Ward, MCIP, RPP  
Manager of Planning, Infrastructure

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





## Attachment 2

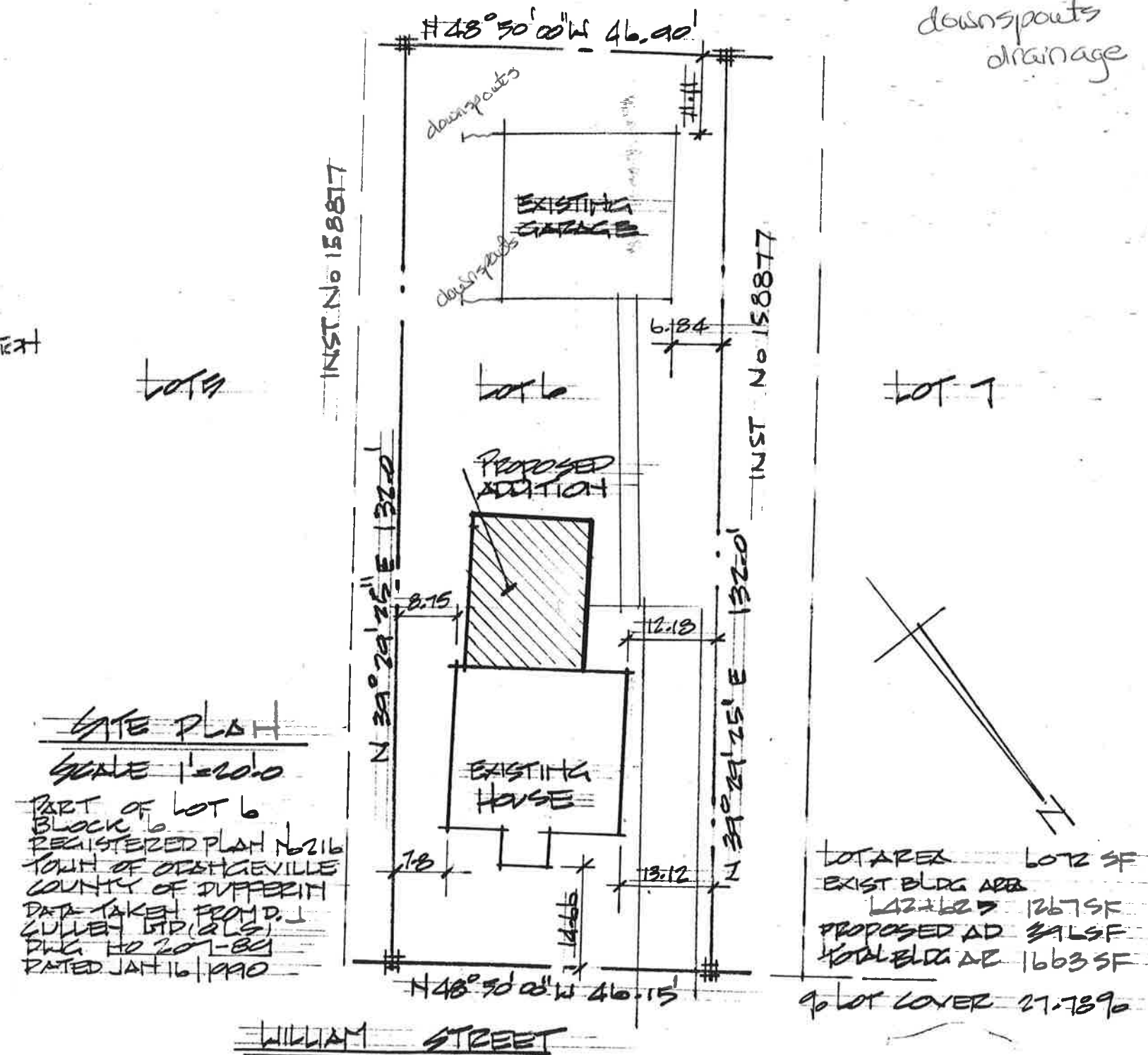


POWER FLOOR PLAN  
SCALE 1/4" = 1'-0"

① The height of the existing garage is 4.755m (15'6")

① Water & sewage will be serviced from the house.

There will be no changes to grading or downspouts drainage





Conceptual drawing of a shed dormer on a gambrel roof

