

**Subject: Planning Report – A14-22 – Armstrong Street**

**Department: Infrastructure Services**

**Division: Planning**

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

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### **Recommendations**

**That Planning Report – A14-22 – Armstrong Street be received;**

**And that the Minor Variance Application (File No. A14-22) to increase the maximum permitted building height from 12 metres to 13.5 metres; to reduce the minimum required landscape strip adjacent to the street line from 3 metres to 1.5 metres; and to reduce the minimum required rear yard setback from 7.5 metres to 0.30 metres; be approved, subject to the following condition:**

- 1. That the variances be limited to the extent shown in accordance with the approved Site Plan (File No. SPA-2022-04).**

### **Introduction**

**Legal Description:** Part of Lot 3, Block 5, Registered Plan 138, Part of Lot 1, Concession E, Parts 10-17 on Reference Plan 7R-2865

**Municipal Address:** Armstrong Street

**Applicant(s):** Robert Mair

**Official Plan Designation:** ‘Central Business District’ (Schedule ‘A’)

**Zoning (By-law 22-90):** Central Business District, S.P. 24.148

**Purpose:** The applicant is requesting minor variances to:

1. increase the maximum permitted building height from 12 metres to 13.5 metres;
2. reduce the minimum required landscape strip adjacent to the street line from 3 metres to 1.5 metres; and
3. reduce the minimum required rear yard setback from 7.5 metres to 0.30 metres.

These variances are to permit the construction of a residential building.

## Background

The subject property is located on the north side of Armstrong Street, south of Broadway, between Wellington Street and Mill Street. The property is approximately 333 square metres (3,585 square feet) in area, with 12.73 metres (42 feet) of frontage along Armstrong Street.

The property is currently vacant and situated within a mixed-use area. Adjacent to the east of the property is the Train Station building at 35 Armstrong Street (currently Barley Vine Rail), which is designated (under Part V of the Ontario Heritage Act) within the Downtown Heritage Conservation District. The location of the subject lands is indicated on Attachment No. 1.

The applicant has submitted a Site Plan application (SPA-2022-04) to facilitate the development of a 3-storey triplex, with 3 parking spaces. Through staff review of the initial Site Plan submission, staff have noted that three provisions of the Zoning By-law are not met, as follows:

1. a building height of 13.5 metres is proposed, whereas a maximum height of 12.0 metres is permitted;
2. a 1.5 metre-wide landscape strip is proposed adjacent to the street line, whereas a minimum landscape strip width of 3.0 metres is required; and
3. a rear yard setback of 0.30 metres is proposed, whereas a minimum setback of 7.5 metres is required.

Due to constraints of the site, and site plan revisions made to address comments from Heritage Orangeville, the applicant cannot meet these By-law provisions. Therefore, the purpose of this application is to increase the maximum permitted building height from 12 metres to 13.5 metres; reduce the minimum required landscape strip adjacent to the street line from 3 metres to 1.5 metres; and reduce the minimum required rear yard setback from 7.5 metres to 0.30 metres.

Staff are in the process of reviewing a resubmission of the Site Plan application. The current version of the Site Plan is included as Attachment 2. The Architectural Drawings are included as Attachment 3.

Pending a 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 “Central Business District” in the Town of Orangeville Official Plan. The CBD is a mixed-use area that permits a range of commercial and residential uses. The proposed variances pertain to site-specific configuration details of the proposal to facilitate a triplex. The variances 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 Central Business District (CBD) Zone, with Special Provisions (S.P.) 24.84 on Schedule ‘A’ of Zoning By-law 22-90, as amended. The CBD zone permits a range of commercial uses, including retail, and also permits residential uses on upper floors. Stand alone residential uses, including a triplex, are permitted on lots that do not abut Broadway.

Section 13A.3 prescribes a minimum rear yard setback of 7.5 metres, and a minimum front yard setback of 0 metres.

The applicant is requesting a minor variance to reduce the minimum required rear yard setback from 7.5 metres to 0.30 metres.

As previously noted, the proposed development is located directly east of the Train Station at 35 Armstrong Street (currently Barley Vine Rail), which is a designated building (Part V) on the Town’s Municipal Heritage Register. Heritage Orangeville noted that the eastern portion of the Train Station (patio abutting the proposed development) is the most significant heritage attribute, and its exposure to the streetscape should not be compromised. As such, the applicant has worked with Town staff and Heritage Orangeville to revise the development such that the proposed triplex is pushed to the rear of the property. This results in a rear yard setback of 0.3 metres, and a front yard setback of 8.5 metres, which allows views into the patio side of the Train Station, as seen in Attachments 2 and 3. Staff are satisfied that the placement of the building is appropriate as it meets the goals of Heritage Orangeville, essentially reversing the front and rear yard setback requirements. It is not anticipated to have adverse impacts on surrounding properties.

Special Provision 24.148 limits the building height on this property to 12.0 metres, whereas the standard CBD zone permits a height of 23.0 metres. Section 5.13 ‘Height Exemptions’ permits certain structures above the permitted height, including elevator enclosures.

The applicant is requesting a minor variance to increase the maximum permitted building height from 12.0 metres to 13.5 metres.

The purpose of the reduced building height for this property, and the surrounding area, is to maintain the character of the downtown heritage district. As previously noted, the applicant has worked with Town staff and Heritage Orangeville to modify the design of the building so that it is compatible with the heritage character of the area, and the

Designated Train Station (35 Armstrong Street) located to the west side of this proposed development.

As seen in the elevations (Attachment 2), the majority of the building massing is 10.5 metres high, falling within the permitted 12.0 metre height. However, additional height is required in order to accommodate an elevator enclosure and staircase enclosure which provides access to the proposed rooftop patio. The elevator enclosure with a height of 14.32 metres is a permitted exception (Section 5.13); however, the staircase enclosure with a height of 13.41 metres is not. The staircase enclosure is designed to be integrated into the massing of the elevator enclosure. As such, staff are satisfied that an additional height of 1.5 metres, for a total height of 13.5 metres, will not adversely impact surrounding properties.

The General Provisions of the By-law (Section 5.17.7) prescribe that surface parking be setback a minimum of 3.0 metres from any street line and that the 3.0 metres consist of a landscape strip.

The applicant is requesting a minor variance to reduce the minimum required landscape strip adjacent to the street line from 3 metres to 1.5 metres.

The purpose of the landscape strip is to ensure that there is sufficient space for appropriate plantings. The plantings act as a visual and physical buffer between the hardscape street and parking area.

The proposed landscape strip is located at the front of the property along Armstrong Street. Due to the angled nature of Armstrong Street, the side lot lines of the property do not intersect with the street at a 90-degree angle. The building is proposed to be erected parallel to the side property lines. The proposed parking is oriented perpendicular to the building in the front yard. This creates a landscape strip that tapers from 3.28 metres on the west side to 1.5 metres on the east side as shown on Attachment 2. Staff are satisfied that there this will provide a sufficient landscape buffer between the parking spaces and sidewalk.

As previously mentioned, staff are in the process of reviewing the related Site Plan application on the subject lands (File No. SPA-2022-04). In order to limit the extent of the variances in accordance with the Site Plan, staff have recommended a condition to this effect. Subject to this condition, the requested variances are considered desirable and appropriate for the use of the land.

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

A triplex is a permitted use 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 the development of a vacant lot within the downtown core.

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.

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**Infrastructure Services – Transportation & Development Comments:**

Infrastructure Services has reviewed the Notice of Hearing for minor variances, Application A-14/22 for the property described as Part of Lot 3, Registered Plan 136, Part of Lot 1, Concession E, Parts 10-17 on Reference Plan 7R-2865, municipally known as Armstrong Street in the Town of Orangeville. The applicants are requesting minor variances to increase the maximum permitted building height from 12 metres to 13.5 metres, to reduce the minimum required landscape strip adjacent to the street line from 3 metres to 1.5 metres, and to reduce the minimum required rear yard setback from 7.5 metres to 0.30 metres. These variances are to permit the construction of a residential building.

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 increase the maximum permitted building height from 12 metres to 13.5 metres, to reduce the minimum required landscape strip adjacent to the street line from 3.0 metres to 1.5 metres, and to reduce the minimum required rear yard setback from 7.5 metres to 0.3 metres.

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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

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Prepared by

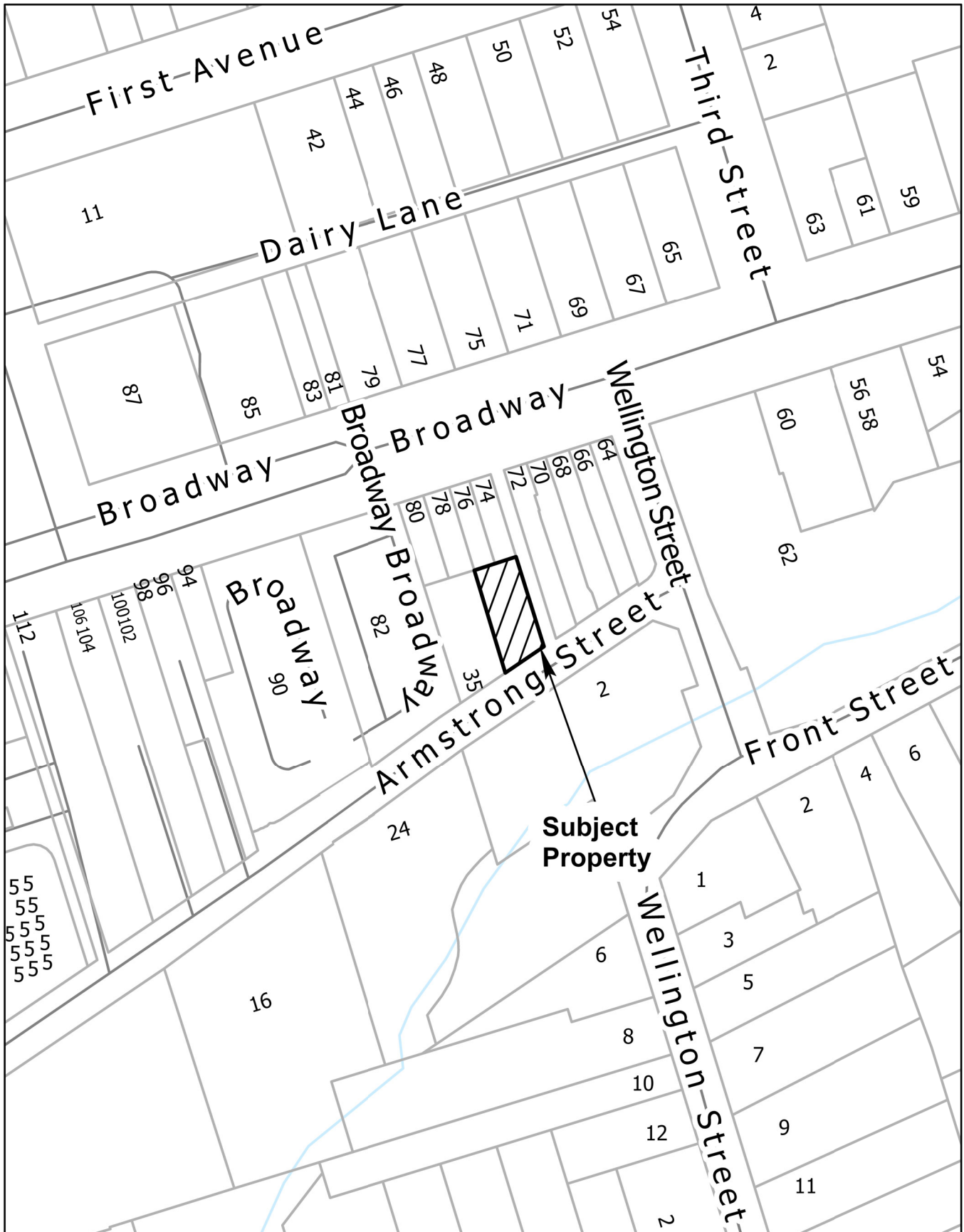
Larysa Russell, MCIP, RPP  
Senior Planner, Infrastructure Services  
Services

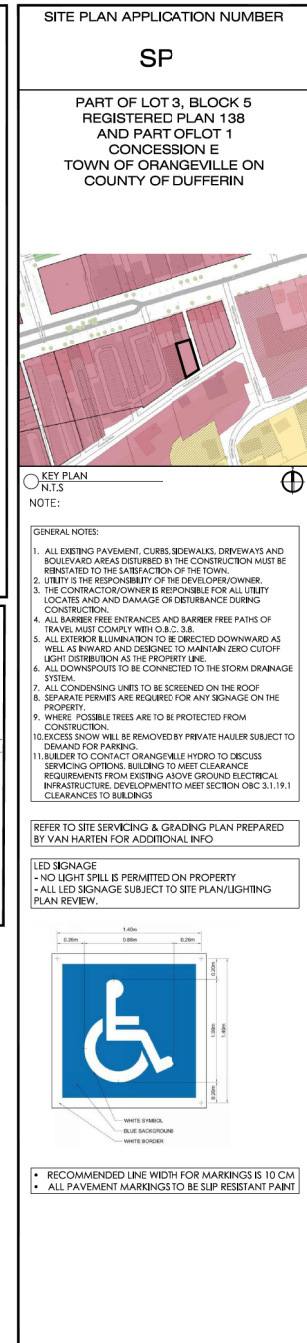
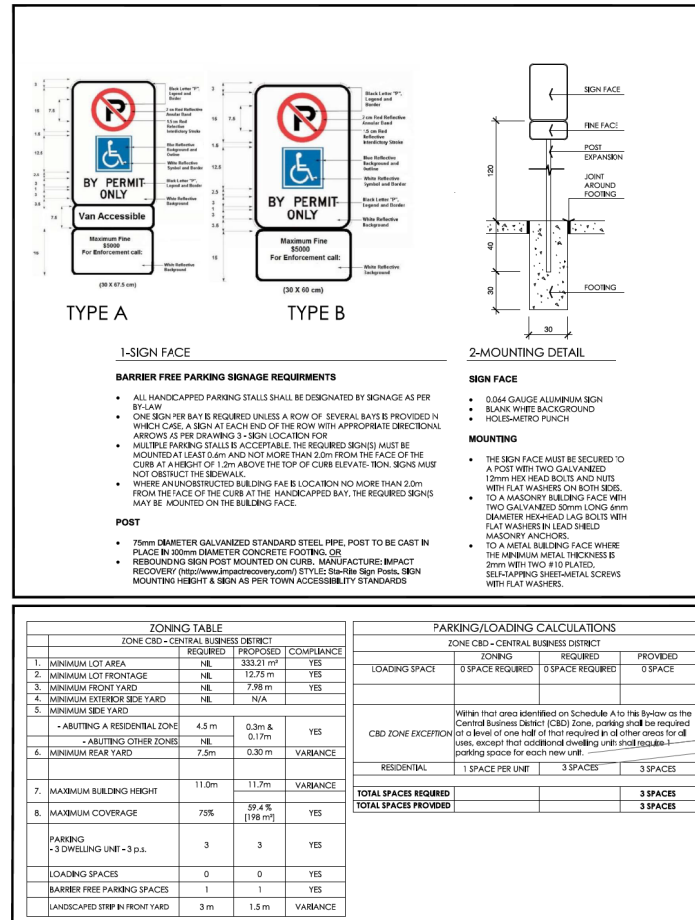
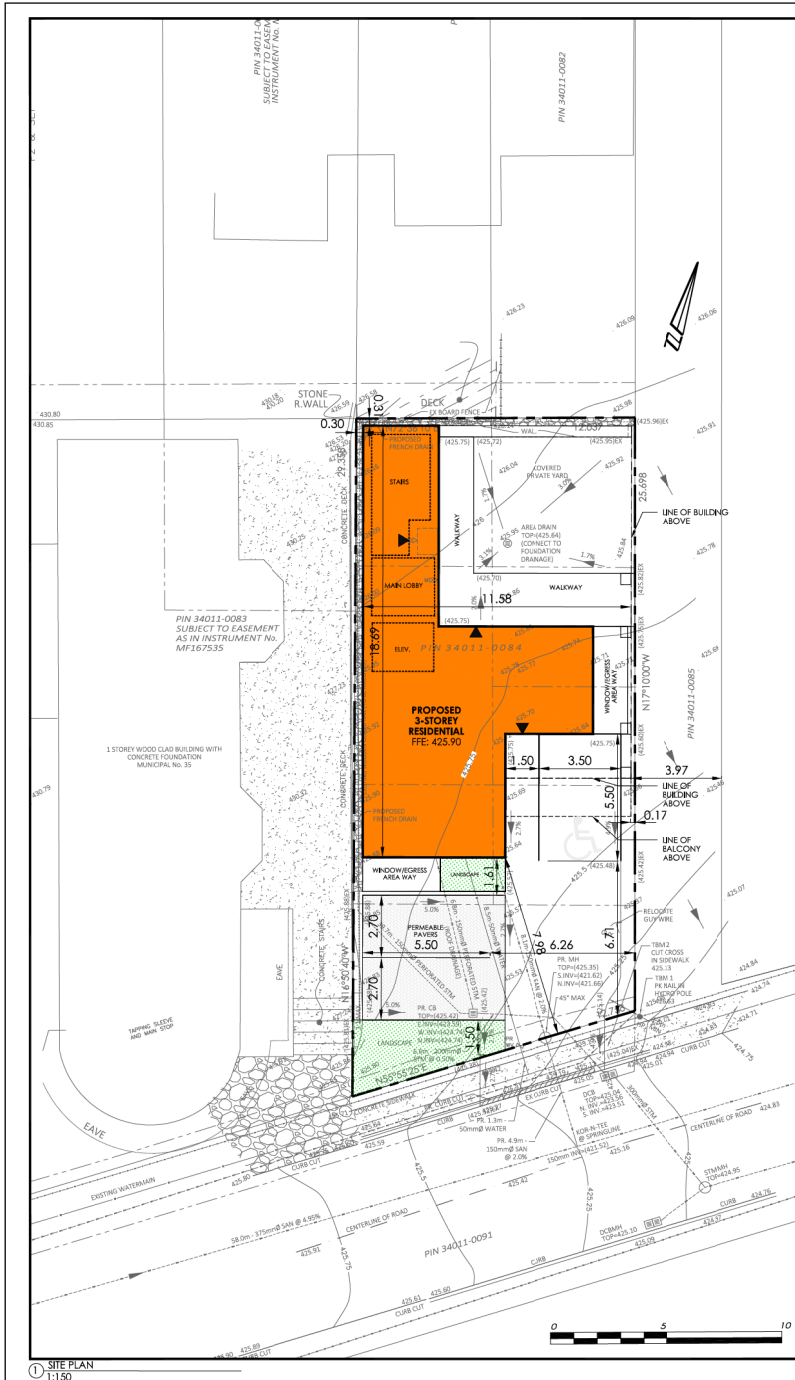
Reviewed by

Brandon Ward, MCIP, RPP  
Manager of Planning, Infrastructure

**Attachment(s):**

1. Location Map
2. Site Plan
3. Architectural Drawings





**PROJECT NAME**  
VACANT LANDS EAST OF 35 ARMSTRONG ST

**PROJECT ADDRESS**  
35 ARMSTRONG ST.  
ORANGEVILLE, ON

**CLIENT**  
ROBBIE MAIR

**ARCHITECT**  
KHALSA DESIGN INC.

**BRAMPTON, ON**  
TELEPHONE: 647-468-2940

**CONSULTANTS:**

**REGISTRATION**

Project number: 21050  
Date: 03/16/2022  
Drawn by: AB  
Checked by: KCI  
Scale: As indicated

**REVISIONS**

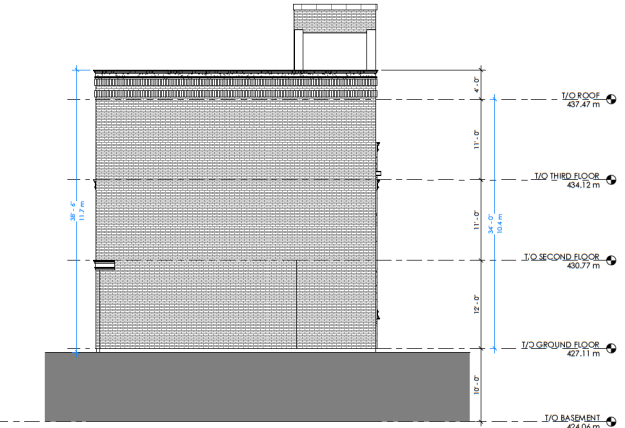
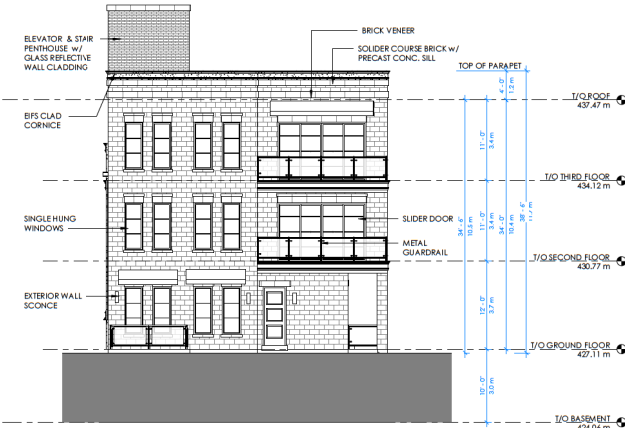
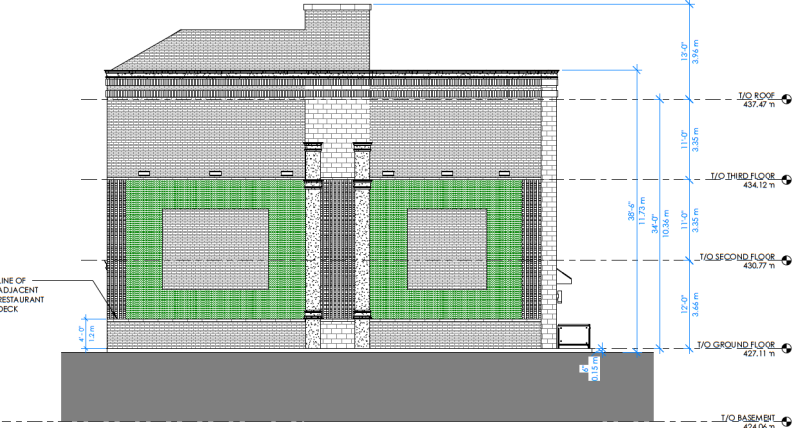
No.	Description	Date
1	ISSUED FOR SPA	03/14/2022

**PROPOSED SITE PLAN**

**ASP-1**

96-98 BROADWAY





PROJECT NAME  
**VACANT LANDS EAST  
OF ARMSTRONG ST.**

PROJECT ADDRESS  
**35 ARMSTRONG,  
ORANGEVILLE ON**

CLIENT  
**ROBBIE MAIR**

ARCHITECT  
**KHALSA DESIGN INC.**



BRAMPTON, ON  
TELEPHONE: 607-468-2940

CONSULTANTS:

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REGISTRATION

Project number 21050  
Date 08/25/2022  
Drawn by ASB  
Checked by KJL  
Scale 1/8" = 1'-0"

REVISIONS

No.	Description	Date

ELEVATIONS

**A-300**  
VACANT LANDS EAST  
OF ARMSTRONG ST.





STREET PERSPECTIVE AT ARMSTRONG STREET

PROJECT NAME

VACANT LANDS EAST OF ARMSTRONG ST.

PROJECT ADDRESS

35 ARMSTRONG,  
ORANGEVILLE ON

CLIENT

ROBBIE MAIR

ARCHITECT

KHALSA DESIGN INC.

DESIGN

KHALSA

BRAMPTON, ON

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OF PROSECUTION UNDER LAW

REGISTRATION

Project number

21050

Date

08/25/2022

Drawn by

ASB

Checked by

KD

Scale

REVISIONS

No.	Description	Date

RENDERING

A-302

VACANT LANDS EAST OF  
ARMSTRONG ST.





VIEW OF NEW PROPOSED BUILDING FROM ADJACENT RESTUARANT



VIEW OF NEW PROPOSED BUILDING FROM ADJACENT RESTUARANT



STREET CONCEPTUAL PERSPECTIVE WITH NEW PROPOSED BUILDING

PROJECT NAME  
**VACANT LANDS EAST OF ARMSTRONG ST.**

PROJECT ADDRESS  
**35 ARMSTRONG, ORANGEVILLE ON**

CLIENT  
**ROBBIE MAIR**

ARCHITECT  
**KHALSA DESIGN INC.**



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REGISTRATION

Project number 21050  
Date 08/25/2022  
Drawn by ASB  
Checked by KID  
Scale

REVISIONS

No.	Description	Date

**GREENWALL & PERSPECTIVE**

**A-303**  
VACANT LANDS EAST OF  
ARMSTRONG ST.