

NOTICE - The last day for appealing this decision is December 18th, 1987

Committee of Adjustment

# DECISION OF COMMITTEE WITH REASONS RE APPLICATION FOR MINOR VARIANCE

Planning Act, 1983, c. 1, ss. 44 (8)

- (a) Name of committee (a) THE COMMITTEE OF ADJUSTMENT FOR THE CORPORATION OF THE TOWN OF ORANGEVILLE
- (b) Name of applicant RE AN APPLICATION BY (b) Messrs. Rainer, Niebler, Barristers and Solicitors,  
372 Bay Street, Suite 900, Toronto, Ontario, agents for BTV Holdings Limited.
- (c) Brief description LOCATION OF PROPERTY (c) Part of Lot A, Block 13, Plan 212, 9 McCarthy Street  
and 14 Fead Street, Orangeville, Ontario.
- (d) As set out in application PURPOSE OF APPLICATION (d) The applicant wishes to seek relief from the provisions  
of By-law No. 9-66, Section 7, permitting 30 units per acre or a total of 68 units  
for the lands in question. The applicant seeks a Variance to permit the construction  
of an additional 5 units for a total of 73 units, See Schedule "A" submissions.

WE, the undersigned, in making the decision upon this application have considered whether or not the variance requested was minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the zoning by-law and the official plan will be maintained, or in the case of a change in a use of property which is lawfully non-conforming under the by-law as to whether or not this application has met the requirements of section 44 (2) of the *Planning Act*,

- (e) Date of decision CONCUR in the following decisions and reasons for decisions made on the (e) 18th day of November 87

**DECISION:**

IN THE MATTER OF AN APPLICATION BY Messrs. Rainer, Niebler, Barristers and Solicitors  
372 Bay Street, Suite 900, Toronto, Ontario agents for BTV Holdings Limited,  
(formerly Brost Holdings Ltd.), for a Minor Variance to By-law No. 9-66 of the  
Town of Orangeville, on the property described as Part of Lot A, Block 13, Plan  
212, municipally known as 9 McCarthy Street and 14 Fead Street, Town of Orangeville  
under the provisions of Section 44 of the Planning Act, S.O. 1983, Chapter 1. BE

- (f) State conditions to be satisfied before granting of consent CONDITIONS - This decision has been made subject to the following conditions: (f) GRANTED

NONE

- (g) State reasons for decision

REASONS FOR DECISION: (g) The Chairman stated that in the opinion of the Committee the Variance requested is Minor and that the intent and the purpose of the Town's Official Plan and Zoning By-law was being maintained.

.....  
 Signature of member of committee.      Signature of member of committee.      Signature of member of committee.  
 .....  
 Signature of member of committee.      Signature of member of committee.      Signature of member of committee.

**CERTIFICATION**  
Planning Act, 1983, c. 1, ss. 44 (10)

I, ... EDWARD C. SALISBURY, .....

- (h) N. of committee Secretary-Treasurer of the (h) COMMITTEE OF ADJUSTMENT FOR THE CORPORATION OF THE TOWN OF ...  
ORANGEVILLE, ... certify that the above is a true copy of the decision of the committee with respect to the  
application recorded therein.

Dated this 25 day of November 19 87

.....  
Signature of Secretary-Treasurer

SCHEDULE "A"  
(to paragraph No. 6)

The Owner purchased the property and acquired title thereto on September 27th, 1977 from Alster Holding Limited. The property in question at that time had been fully developed and contained two apartment dwelling buildings both of which had been constructed in 1969-70. The Owner conducted the usual searches and obtained replies from the Corporation of the Town of Orangeville indicating that the buildings complied with all of the appropriate building and zoning requirements. Annexed hereto and marked as Exhibits "A" and "B" are copies of correspondence received from the Town of Orangeville.

In August of 1987, the Owner discovered inadvertently and through a third party that the two apartment dwelling buildings on the property do not in fact comply with the required zoning by-laws for the Town of Orangeville inasmuch as there are a total of 73 units whereas in fact the applicable zoning provisions allow for only 68 units on the lands in question. In fact, the original Owner/Developer had entered into a Site Plan Agreement with the Town of Orangeville (ratified by the Town as By-law 55-69) which confirmed construction of 68 units in accordance with Zoning By-law 9-66 (being the maximum number permitted per acreage size of land) and attached certain covenants, restrictions and conditions to the construction of the apartment dwelling units. In actual fact, 73 units were built exceeding the limit by 5 units.

The Owner submits that a minor variance should be granted to the existing zoning provisions permitting the continued legal use of the additional 5 dwelling units on the premises in question. The reasons are as follows:

1. There are a total of 73 units, 68 of which conform with the applicable Zoning By-law and only 5 of which do not, which presents a minor variance;
2. The proposed variance is consistent with the development and use of the land and buildings and will be appropriate by rendering the entire structure consistent and is desirable for purposes of maintaining available rental units;
3. The proposed variance is consistent with the general intent and purpose of the By-law and the Official Plan and it is important to note that 73 units have continued in their original form and their use has remained constant as apartment dwelling units since their construction in 1969/70, representing a period of approximately 17 years; the By-law and Official Plan have allowed for the availability of rental accommodation and the premises in question have attempted to fulfil these objectives; the availability of the additional 5 units has not to the best of the Owner's knowledge interfered with any other uses of the lands or the neighbouring lands nor have they been the object of complaint by neighbouring owners.

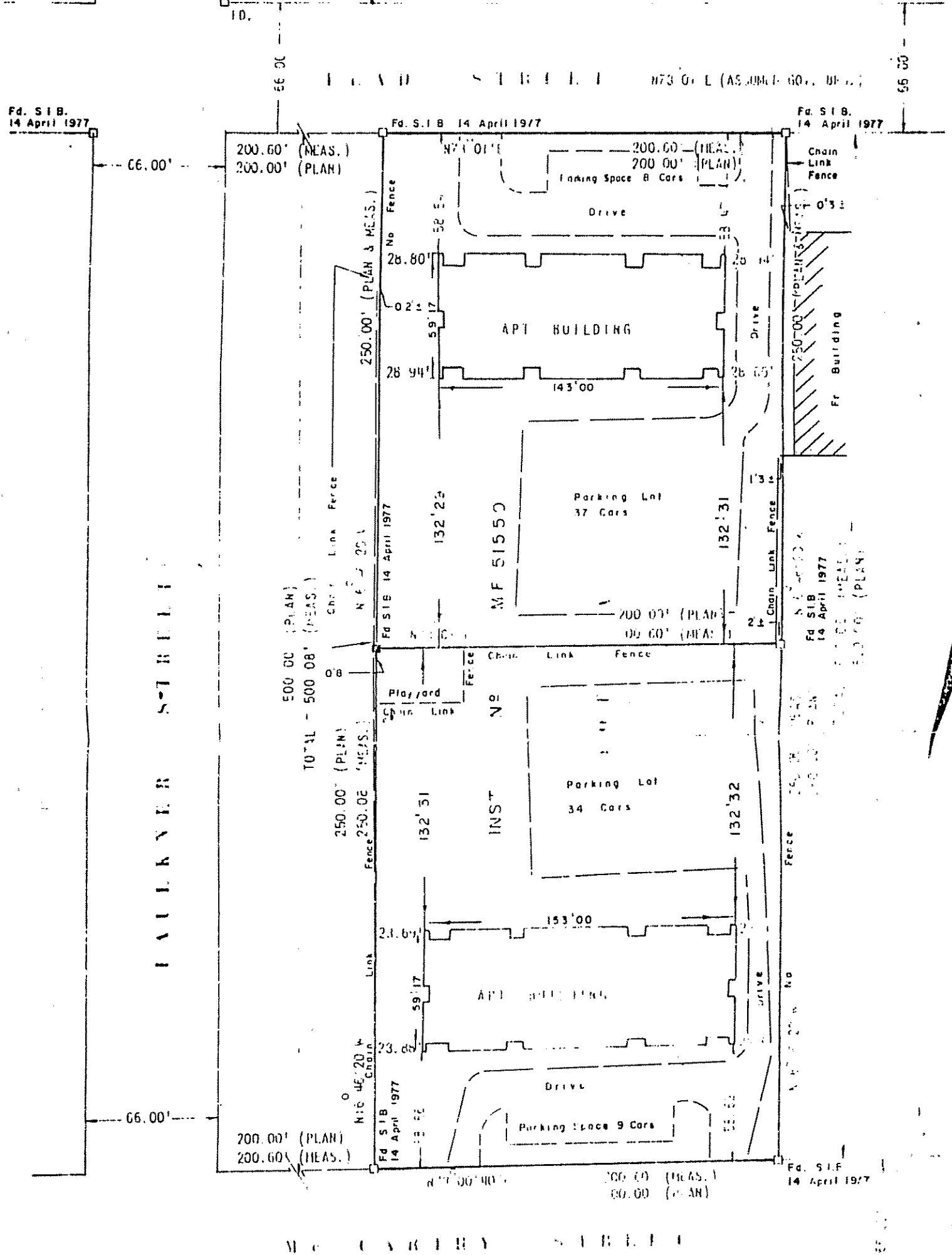
Plan of A. K. McCampbell

A-34/87

B T U Hobbs

TOWN OF ORANGEVILLE - COUNTY OF DEFEIN

3 BLOCK (1) REGISTERED PLAN NO. 211



THE BUILDINGS BEING 'A' BLOCK 13 WITHIN THE BOUNDARIES

COMPLETED PLAN OF SURVEY