



Committee of Adjustment

**Decision of Committee with Reasons
Re Application for Minor Variance**

Planning Act, R.S.O. 1990, c. P.13, ss. 45(8)

Approval Authority: The Corporation of the Town of Orangeville

Re an Application By: Oliver Harris and Simone Christensen-Harris

Location of Property: Lot 13, Registered Plan 189
37 Wellington Street

Purpose of Application: The applicants are requesting minor variances to reduce the minimum required side yard setback of an accessory building from 1.2 metres to 0.8 metres, to reduce the minimum required rear yard setback from 1.2 metres to 0.3 metres, to increase the maximum permitted height from 4.3 metres to 6 metres, to permit a dwelling unit in an accessory building and to modify the definition of accessory building to permit human habitation.

We, the undersigned, in making the decision upon this application have considered whether or not the variances requested were 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 45 of the Planning Act, R.S.O. 1990, c. P. 13, as amended.

Furthermore, in making this decision we have had regard for all public input received through written and oral submissions prior to the conclusion of the Public Hearing held on the **19th day of October, 2016**.

It is the Decision of the Committee that the application for:

- **The minor variance to reduce the minimum required side yard setback of an accessory building from 1.2 metres to 0.8 metres – Be Refused.**
- **The minor variance to reduce the minimum required rear yard setback from 1.2 metres to 0.3 metres – Be Refused.**
- **The minor variance to increase the maximum permitted height from 4.3 metres to 6 metres – Be Refused**
- **The minor variance to permit a dwelling unit in an accessory building and to modify the definition of accessory building to permit human habitation – Be Approved**

This Decision:

If **approved:** is subject to the conditions and for the reasons set out on page two of the Notice of Decision of the Committee of Adjustment.

If **refused:** is for the reasons set out on page two of the Notice of Decision of the Committee of Adjustment.


Signature of Member


Signature of Member


Signature of Member

Signature of Member

Signature of Member

**Certification
Planning Act, 1990, R.S.O. c. P.13, ss. 45(10)**

I, Johanna Wilson, Acting Secretary-Treasurer of the Committee of Adjustment certify that this is a true copy of the decision of the committee given on **October 19, 2016** with respect to the application recorded therein.



Johanna Wilson, Acting Secretary-Treasurer
Committee of Adjustment

The applicant, the Minister or any other person or public body who has an interest in the matter may within 20 days of the making of the decision appeal to the Ontario Municipal Board against the decision of the committee by **filing with the Secretary-Treasurer of the Committee of Adjustment** an appeal form, available from the OMB website at www.omb.gov.on.ca. The appeal form must be accompanied by a certified cheque or money order Payable to the Minister of Finance in the amount of \$300 plus \$25 for each additional consent/variance appeal filed by the same appellant against connected applications payable to the Minister of Finance.

Only individuals, corporations and public bodies may appeal decisions in respect of applications for minor variance to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

When **no appeal is lodged** within twenty days of the date of the making of the decision, the decision becomes final and binding and notice to that effect will be issued by the Secretary-Treasurer.

Date of Decision Mailed: October 28, 2016

Last Day for Appealing this Decision: November 8, 2016

(Please note that appeals must be received no later than 4:30 p.m. on the last day of appeal.)

Conditions: None

Reason for Decision:

1. Although an accessory building does conform with the Official Plan, the reduced minimum side yard and rear yard setbacks and increase in height do not meet the intent of the Zoning By-law, they are not desirable for the desirable development of the lot and they are not minor in nature.
2. Even though the Official Plan is silent on permitting dwelling units in accessory buildings and dwelling units in accessory buildings do not meet the current provisions or intent of the Zoning By-law, dwelling units in accessory buildings as well as allowing human habitation in accessory buildings is Provincially mandated and as such, a dwelling unit in an accessory building is a desirable development of the lot and minor in nature.
3. The Committee has received written and oral submissions during the hearing and has taken these submissions into consideration.

** Please refer to the approved Minutes of the October 19, 2016 Committee of Adjustment meeting for submission details.