

**Subject: Planning Report – Application No. A-12/24 – 24 Lawton Court**

**Department: Infrastructure Services**

**Division: Committee of Adjustment**

**Meeting Date: 2024-11-06**

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### **Recommendations**

**That Planning Report – A-12/24 – 24 Lawton Court be received;**

**That Minor Variance Application (File No. A12/24) to reduce the minimum rear yard setback from 7.0 metres to 5.4 metres be approved subject to the following condition:**

- 1. That to the satisfaction of planning staff, the applicant construct a 2.1 metre-high privacy screen on top of the entire easterly side of the deck.**

### **Introduction**

**Legal Description:** Lot 53, Plan 337

**Municipal Address:** 24 Lawton Court

**Applicants:** Lorraine Green

**Official Plan Designation:** Low Density Residential

**Zoning (By-law 22-90):** Residential Sixth Density (R6)

**Purpose:** The applicant is requesting a minor variance to reduce the minimum rear yard setback from 7.0 metres to 5.4 metres.

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## **Background**

The subject property is located on the south side of Lawton Court, between Eastview Crescent and Blaine Line. The subject property is approximately 500 square metres in area, with 12.8 metres of frontage onto Lawton Court. It currently contains a 2-storey detached residential building and is located within a residential area. The location of the subject property is indicated on Attachment No. 1.

The applicant is proposing to construct a 26 square metre deck in the rear yard, as indicated in Attachment 2. It is proposed to be located directly above the entrance to a walk-out basement, making it 4.4 metres above grade. The Zoning By-law requires decks more than 1.2 metres above grade to comply with the rear yard setback, which in this case is 7.0 metres. The rear yard setback to the deck ranges from 6.8 metres to 5.4 metres. Therefore, the purpose of this application is to reduce the rear yard setback from 7.0 metres to 5.4 metres to permit the construction of a deck in the rear yard.

Pending approval by the Committee of Adjustment of this application, the proposed development will comply with the Zoning By-law; however, will still require applicable permits under the Ontario Building Code.

## **Analysis**

Section 45(1) of the Planning Act, RSO 1990, as amended, stipulates that a Committee of Adjustment may authorize a minor variance from the provision of a Zoning By-law if, in the committee's opinion, the variance meets four tests:

### **1. Conformity with the Official Plan**

The subject property is designated "Residential" and "Low Density Residential" in the Town of Orangeville Official Plan. Detached dwellings are a permitted land use pursuant to the residential policies of the Official Plan. The proposed reduction to the rear yard setback does not conflict or offend any of the high-level policy statements of the Official Plan.

The proposed variance is considered to conform with the intent of the Official Plan.

### **2. General Intent and Purpose of the Zoning By-law**

The subject property is zoned R6 – Residential Sixth Density on Schedule 'A' of Zoning By-law 22-90, as amended. The R6 zone permits a range of residential uses including single detached dwellings. The regulations of the R6 Zone prescribe several performance standards to guide development. The required rear yard setback for detached dwellings in the R6 zone is 7.0 metres. Furthermore, the Zoning By-law requires that decks more than 1.2 metres above grade meet the prescribed rear yard setback.

The applicant is requesting a minor variance to reduce the rear yard setback from 7.0 metres to 5.4. The general intent of a rear yard setback is to provide adequate rear yard amenity space and reduce potential overlook and privacy issues.

The applicant is proposing to construct a deck in the rear yard, as indicated in Attachment No. 2. It is proposed to be 26 square metres in area and is 4.4 metres above grade due to its location above the entrance to a walk-out basement. The proposed deck provides additional useable amenity area within the rear yard, however, is required to be setback 7.0 metres from the rear lot line. Due to the nature of the pie shaped lot and the angled rear lot line, the rear yard setback to the proposed deck tapers from 6.8 metres on the east side to 5.4 metres on the west side. The applicant has proposed a 2.0 metre privacy screen on the east side of the deck. Staff are of the opinion that the proposed privacy screen will reduce any potential overlook issues. As such, staff have recommended the inclusion of the privacy screen on the east side of the deck as a condition of approval.

Subject to the condition for a privacy screen, the proposed variance maintains the general intent of the Zoning By-law.

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

Single detached dwellings as well as decks are permitted uses pursuant to the policies of the Zoning By-law No. 22-90. Subject to the recommended condition, the proposed variance will not have adverse impacts on surrounding properties, while increasing the useability of the rear amenity area for the property.

The requested variance is considered desirable and appropriate for the use of the land.

### **4. Minor in Nature**

In consideration of the foregoing, the application for minor variance to Zoning By-law No. 22-90 is considered minor in nature.

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

Transportation and Development (T&D) has reviewed this application and offer the following comments.

T&D has no objection to the land use approvals being requested by the Applicant. The Applicant is advised that all grading, drainage and servicing must be completed to the satisfaction of the Town.

Planning staff note that any grading and drainage matters associated with this proposal will be satisfactorily addressed through the related building permit approvals process.

## **Strategic Alignment**

### **Strategic Plan**

Strategic Goal: Economic Resilience

Objective: Ensure availability and affordability of employment lands and housing

### **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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Attachments: 1. Location Map  
2. Site Plan & Elevations