

Subject: Planning Report A04-25 – 200 Jull Court

Department: Infrastructure Services

Division: Committee of Adjustment

Meeting Date: 2025-04-02

Recommendations

That Planning Report A04-25 – 200 Jull Court be received;

And that Minor Variance Application (File No. A04-25) to reduce the rear yard setback required from 7.0 metres to 1.5 metres, only as it relates to the extent of a deck with associated stairs generally as shown on Attachment No. 2, be approved.

Introduction

Legal Description: Lot 31, Plan 313

Municipal Address: 200 Jull Crt

Applicant(s): Jamieson Fine Homes Inc.

Official Plan Designation: Residential

Zoning (By-law 22-90): Residential, Second Density (R2)

Purpose: The applicant is requesting a minor variance to reduce the minimum rear yard setback from 7.0 metres to 1.5 metres.

Background

The subject property, 200 Jull Court, is located on the corner of Jull Court and Edenwood Crescent. Edenwood Crescent is located off Credit Creek Boulevard. The property is approximately 761 square metres in area with a lot frontage of 15.22 m along Jull Court (Attachment 1).

The applicant submitted a building permit application in November 2024 for an additional residential unit (ARU) in the basement and interior renovations in the main

floor dwelling unit. The renovations proposed for the main floor included a patio door and deck, as an additional egress for the main floor dwelling unit and access to the rear yard. The deficient rear yard setback was identified by Planning staff and the permit was revised to only include the basement ARU. The applicant has decided to proceed with constructing the deck, but based on the irregular layout of this lot, it would encroach into the required 7.0 metre minimum rear yard setback, leaving a 1.5 metre setback from the lot line. The applicant has therefore applied for this Minor Variance to seek a reduction from this rear yard setback requirement to allow the deck off the main floor unit.

Pending approval by the Committee of Adjustment of this application, the proposed development will comply with the Zoning By-law; however it will still require a permit 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 as Low Density Residential in the Town of Orangeville Official Plan (Schedule C). The Low Density Residential designation permits residential uses on the property. The proposed deck is an accessory structure to the permitted residential use. It does not present any conflict with relevant policies under the Community Form and Identity Section D7 of the Town's Official Plan. Therefore, it is staff's opinion that the application conforms to the intent and purpose of the Town's Official Plan.

2. General Intent of the Zoning By-law is Maintained

The subject property is zoned Residential, Second Density (R2) in Zoning By-law 22-90, as amended. The R2 zone permits single detached dwellings and other residential uses. Additional Residential Units (ARUs) are permitted in detached dwellings in accordance with Section 5.29 of the Zoning By-law.

The required rear yard setback for single detached dwellings in the R2 zone is 7.0 metres. The Zoning By-law was enacted by Town Council on March 19, 1990. The existing house, built in 1988, has a legal non-complying rear yard setback of approximately 4.42 metres. The irregular shaped corner lot and the size and orientation of the dwelling on the lot resulted in this rear yard setback (Attachment 1 and 2).

Section 5.22 permits a rear yard encroachment of 1.8 metres for decks, inclusive of any associated stairs and landings. The applicant is proposing a 2.89 metre encroachment into the rear yard, reducing the rear yard setback from 7.0 metres to 1.5 metres.

The general intent of a rear yard setback is to provide adequate rear yard amenity space, manage massing, and reduce potential overlook and privacy issues. In addition, setbacks ensure sufficient separation from the lot line for lot drainage and maintenance purposes, and access around the property in the case of an emergency.

Given the irregular shape of the subject property which provides a generous side yard to the south of the dwelling and the purpose and height of the proposed deck, a reduction in outdoor amenity space is not anticipated. However, the reduced rear yard setback and the height of the proposed deck (2.74 metres) could present privacy and overlook concern for the adjacent neighbour. The applicant has demonstrated that the proposed deck will face the driveway and the side of the neighbours garage, not the house or rear yard, which would present a more significant concern for the adjacent property (Attachment 3). The 1.5 metre remaining between the deck and the property line is anticipated to be adequate for drainage, maintenance, and emergency access. It is the same as the side yard setback required for a dwelling having more than one storey in the R2 zone. In order to avoid potential impacts that could result if a larger deck were to be constructed with this reduced setback permission, planning staff have recommended that the requested variance be limited only to the extent of deck that is proposed with this application, as show in Attachment 2.

It is staff's opinion that the requested variance as recommended in this report, will not create substantial adverse impacts and maintains the general intent and purpose of the Town's Zoning By-law.

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

Adding additional residential units (ARUs) to residential properties is considered gentle intensification and is desirable and appropriate use of the land. The requested variance will provide a deck amenity space and access to the rear yard and side yard amenity space from the main floor dwelling unit.

4. Minor in Nature

Based on the above analysis, the requested variance is considered to be minor in nature. There are no anticipated negative impacts on the property or adjacent properties.

Summary

In summary, based on the application as submitted, planning staff are of the opinion that the applicable tests under the Planning Act are satisfied and have no objections to the approval of Minor Variance Application A-04/25 – 200 Jull Crt.

Infrastructure Services – Transportation & Development Comments:

Transportation & Development does not object to this application provided that the Applicant acknowledges that the grading and drainage scheme of this lot is not to be

altered so as to impact abutting properties and or the municipal rights-of-way. Any adverse impacts or matters that may arise as a result of this proposed variance shall be rectified by the Applicant at their expense.

Strategic Alignment

Orangeville Forward – Strategic Plan

Priority Area: 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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Attachment(s):

1. Location Map
2. Site Plan
3. Aerial Photo & Photo from Patio Door