

From: [Scott Morrison](#)
To: [Committee of Adjustment](#)
Cc: [Amy](#); [Scott Morrison](#)
Subject: [External Email] Application file number: A-04/25
Date: Sunday, March 30, 2025 9:42:16 PM
Attachments: [200 Jull Court pictures with notes. A-0425.pdf](#)
Importance: High

Attention: Secretary-Treasurer of the Committee of Adjustment

Application file number: A-04/25

Subject property address: 200 Jull Court

Legal description: Lot 31, Plan 313

Applicant: Jamieson Fine Homes Inc.

Subject property zoning: Residential Second Density (R2)

I Scott Morrison, give authorization to post my correspondence on the agenda.

My apologies as this submission is late. I respectfully ask it still be considered by the town.

My name is Scott Morrison. I am the homeowner of 211 Edenwood Cres. in the town of Orangeville. As I have been traveling out of the country for work, I have returned home to what I feel is an unfortunate, untimely notification of the file A-04/25, an application for variance at 200 Jull Court in the town of Orangeville Ontario.

Please accept this email as an official request for notification on the decision.

Please accept this email as a written comment submission.

In addition to the notification request, there are some key factors that I believe need to be considered by the Town of Orangeville before any decision can be made on application A-04/25. My family and I reside at 211 Edenwood Cres, directly beside the property 200 Jull Court that is subject to the variation request. I understand this deck (with stairs going to ground level) is required to make the property two separate residences, I have the following comments and concerns. In addition, I have attached a file for you to review which includes pictures with notes.

1. The building itself at 200 Jull Court is not in compliance with the setbacks in this by-law, to allow a 9.5 by 11 foot deck, 1.5 metres from the property line, completely goes against the intent of the by-law. We are not talking about a couple feet closer. We are talking about 5 metres or over 16 feet in the proposed rear yard setback. That is a change of almost 80%! In addition, it will be a second level unenclosed structure quite close to the street. The applicants haven't included in the sketch the distance to the road, but it is close to the road and would become the primary view of anyone driving up the street and for my neighbours across the road or on the same side of the street, east of 211 Edenwood.

2. My original understanding from the owner of the property, who is also the contractor or investor with the intent of "flipping" the house for profit, was this would be a deck for the purpose of an exit and stairs to the ground level, not a deck of this size for recreation.

3. With multi-unit dwellings that were originally single dwelling homes, in our experience, often results in garbage, debris and old furniture being put on the decks, patios and in front yards. We already have an illegal basement apartment across the road at 214 Edenwood Cres and have to look from our front window at garbage in the yard and a front yard which is never maintained. With this multi-unit dwelling right beside us, we may have to look at unwanted things such as garbage bags or debris on the second level deck very close to the road, and as my primary view from the front of the house as this deck would be far past the front corner of my house at 211 Edenwood in relation to distance to the street Edenwood. My family pays \$7000 in taxes to live in our single dwelling home. To have to look at this deck as my primary view from the front of the house will significantly affect our reasonable use and enjoyment of the property and resale value.

4. With a suggested significant suggested rear yard setback of 5 metres, not only does it open more possibilities for the current homeowner/"flipper", but it would open up the range of possible poorly planned projects by the future homeowner. The current homeowner has been clear from the time he took possession of the home; they are only here to renovate and flip 200 Jull Court. It has been stated by the current homeowner/contractor, their goal is to have this house back on the market asap.

5. The current fence line between the 211 Edenwood and 200 Jull Court ends at the front corner of my 211 Edenwood house. The 200 Jull Court homeowner/contractor has already stated they are planning to extend the fence line past the frontage corner of 200 Jull Court at a height exceeding the fencing by-laws. This proposed fence line extension would not be consistent with town fencing by-laws and once again would impair my own view from the front of my house. Additionally, neighbours to the east of 211 Edenwood would also have their view impaired.

6. With the proposed deck at 200 Jull Court almost being at the same height as my eavestrough on the west side of my house and the wind predominantly coming from the west on Edenwood Cres, does my roof and eavestrough now become the home for blowing snow and debris off of the proposed deck because of the close positioning to the property line combined with the height of the deck? The increase in snow to my roof and eavestrough could be damaging. The increased snow load would be in addition to the 3 foot plus deep of accumulation I already receive consistently on the west side of the house. My property already takes on a great amount of water from the Jull Court properties. Thousands of dollars have already been spent on the west side of the house in drainage and rebuilding the west side wall of the house which included foundation repair and new concrete. Will the future

owners shovel the snow towards my house increasing the demands of the drains and sump pump while damaging my fence? Do I now have to budget even more dollars towards maintaining the west side of my property?

7. The height of the deck will take away our family right to privacy in my own back yard. This has never been a problem under the current by-laws and was a major consideration for my family when deciding to purchase 211 Edenwood. The proposed deck would provide the Jull Court house a clear view into the majority of my backyard, taking away from my family enjoyment of outdoor activities and right to privacy under the current by-laws which the other homes beside me are free to enjoy. Taking away our family enjoyment on our own long-term planned property would be a great disappointment for us. This possible new viewing point of our backyard could also affect the resale value and number of potential buyers in the future.

8. The fence line separating my property, 211 Edenwood Cres, and 200 Jull Court would become a much greater expense. The current fence line is on its last days. Multiple sections have been short term repaired already with more work being needed. The fence is also leaning or twisted in areas due to the age of the fence. This is common in mature neighbourhoods to which my family has plans to replace the fence on the west side separating us from Jull Court. We have already worked with our east side neighbour to replace the east side property fence within the past year. We replaced the old fence with a beautiful 6 foot tall fence built with the intention of matching that height and profile on the west side. I have proactively communicated to the 200 Jull Court homeowner/contractor that I was willing to split that cost now, enhancing both of our property's aesthetics and privacy while eliminating an old broken fence. 200 Jull Court ownership has stated they have no intention of spending that money on the fence and are committed to passing that cost/responsibility onto the future new owners. I understand they have that right. My issue is with this deck bringing a clear view into my yard, taking away our family enjoyment, we would have to build a taller fence to attempt maintaining the level of enjoyment/privacy. The town of Orangeville allows up to a 7 foot tall fence with 2 feet of lattice on top. We don't want a fence at a 9 foot total height (including lattice) as it has been confirmed that the additional materials such as length of post, fence boards, screws and lattice will increase the project cost by 30 to 35%. In addition, we are more interested in building/enhancing our community than building walls. Once again, we are looking at thousands of additional dollars spent out of our budget that were not planned.

Our full names and address are below. We consent to this being posted on the Agenda or being distributed to committee members, the applicants or other participants.

Once again, we would like to receive notification of the decision of the Committee of Adjustment in respect of this application. For any mailed document, please make sure it is sent clearly labeled from the Town of Orangeville.

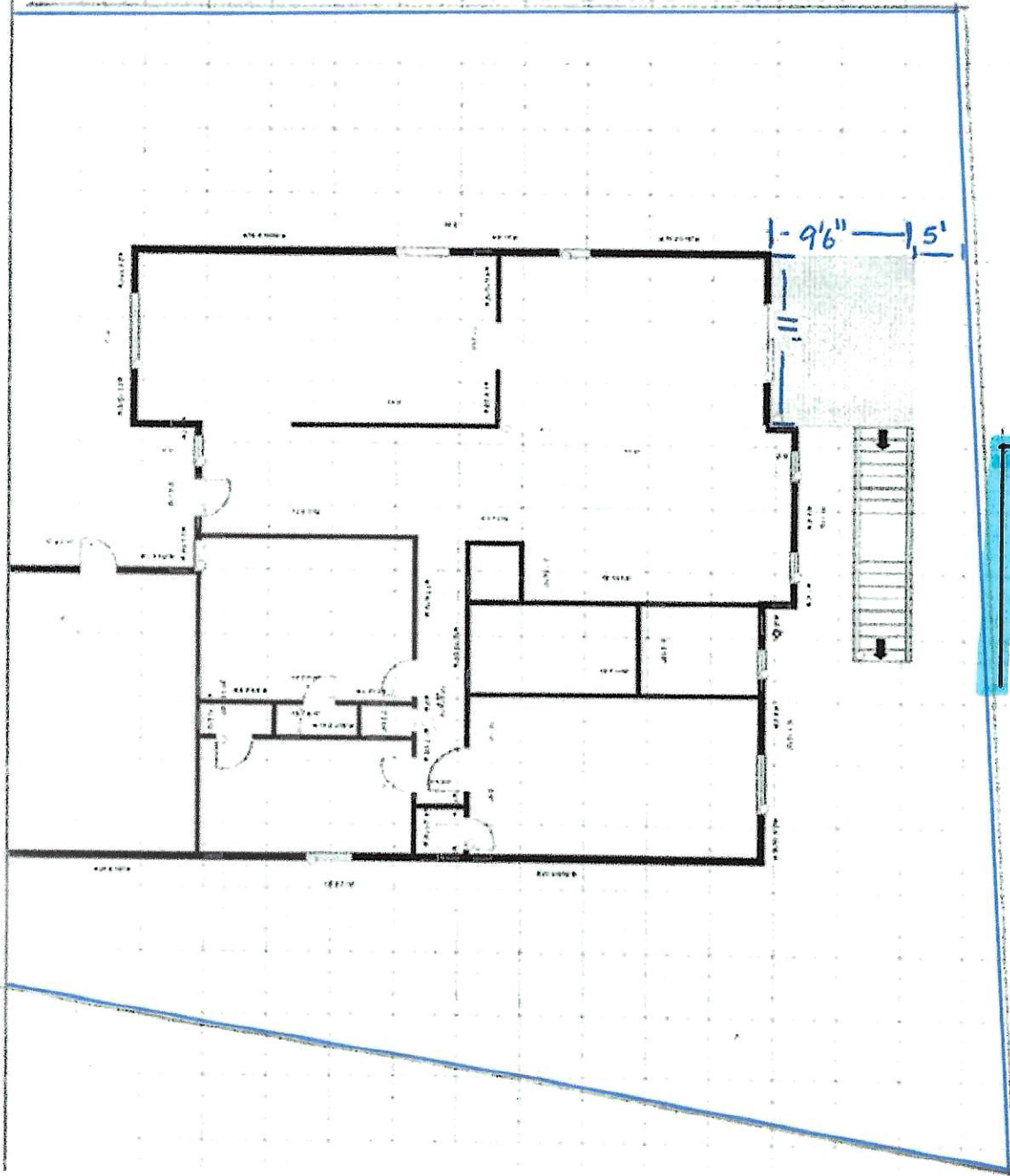
Thank you very much.

Sincerely,

Scott & Amy Morrison
211 Edenwood Cres
Orangeville On
L9W4M8

Sent by Scott.

EDENWOOD CRES

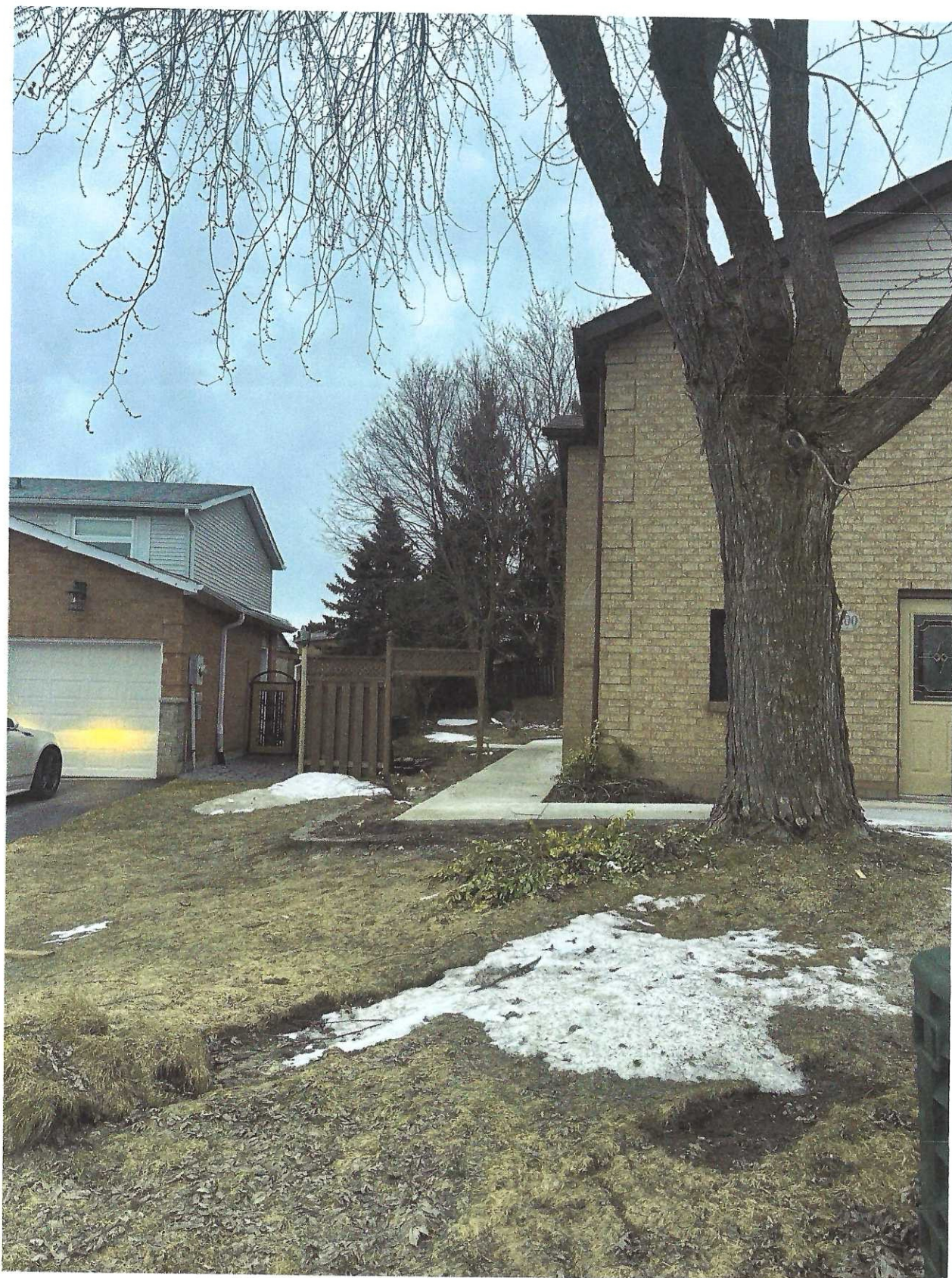


211
Approx
Position
of front
corner for
211 Edenwood

View ~~of~~ from backyard of 211 Edenwood



View from street curb of Edenwood



View from bottom of driveway 211 Edenwood



VIEW FROM INSIDE KITCHEN



View from proposed deck door at 200 Jull Court towards front of house of 211 Edenwood.

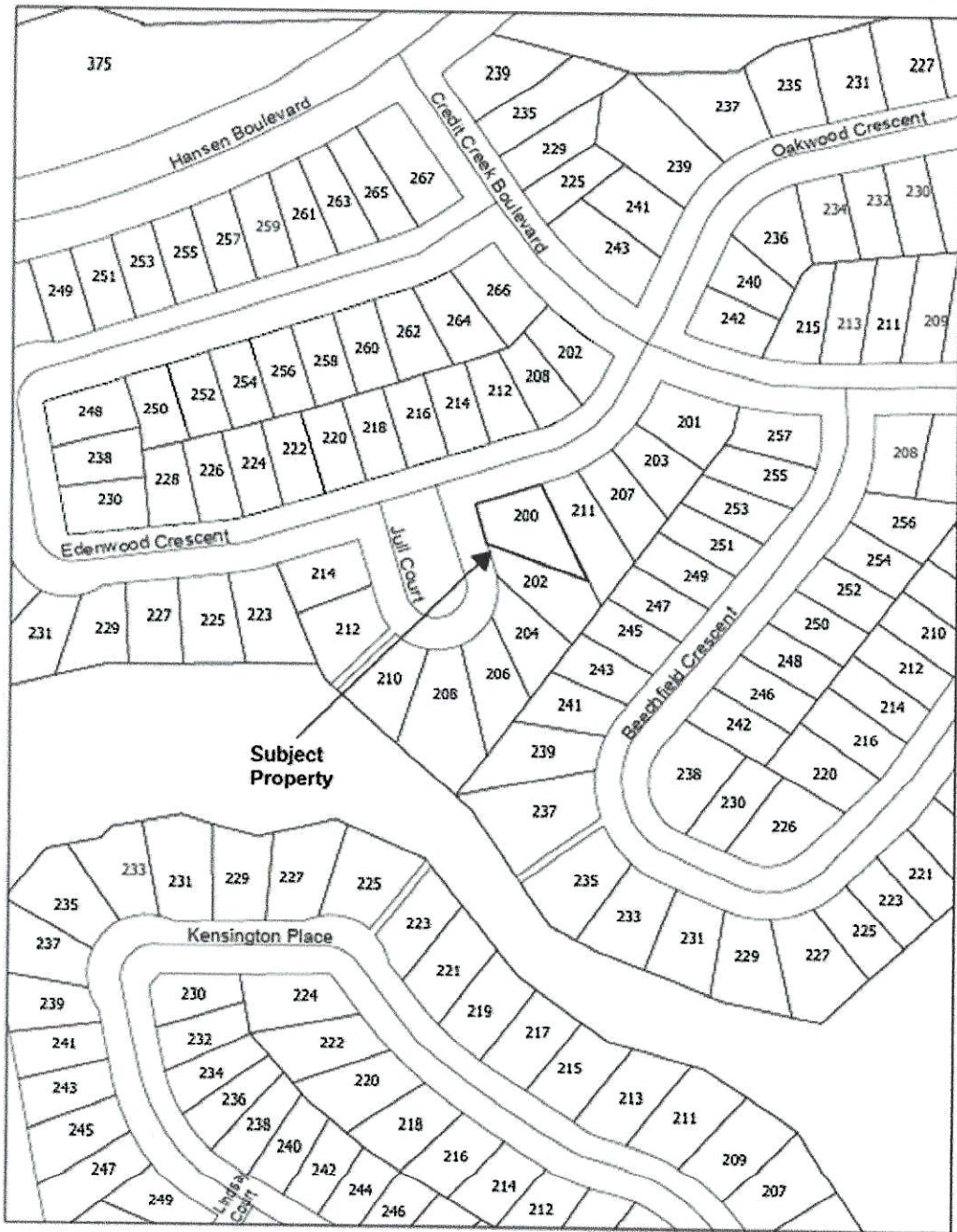
- * From this position, there is another 6 feet approximately to the left to the corner of the proposed deck.
- * Current property fence line can't extend past the front corner of 211 Edenwood at current height.



Ariel view of 200 Jull Court

Please look at positioning of deck at
200 Jull court in relation to front
of house at 211 Edenwood

Attachment 1: Location Map
File: A-04/25
Applicant(s): Jamieson Fine Homes



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

Prepared by

Susan Pottle
Planning Technician, Infrastructure Services

Reviewed by

Brandon Ward, MCIP, RPP
Planning Manager, Infrastructure Services

Attachment(s):

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